

TOWNSHIP OF WEST WINDSOR

MERCER COUNTY, NEW JERSEY



ADOPTED:
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HOUSING ELEMENT & FAIR SHARE PLAN



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The original of this report was signed and sealed in accordance with NJSA 45:14A-12



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INTRODUCTION

According to the Fair Housing Act of 1985, a Housing Plan Element must be designed to address the municipal fair share for low and moderate income housing as determined by the New Jersey Council on Affordable Housing (COAH), which is charged with determining need and creating the standards by which the Act is carried out.

This is West Windsor's second Housing Element and Fair Share Plan under COAH's new Third Round Methodology for the period 2004 to 2018. COAH substantially redesigned the process that provides affordable housing opportunities in New Jersey municipalities. During the First and Second Rounds, using a predetermined formula, COAH prescribed a specific number of units a municipality had to provide a realistic opportunity for. The prescribed number was based on housing and employment conditions in the municipality, any remaining prior round unit obligation that was not constructed and deficient housing units occupied by low and moderate income housing units, known as the rehabilitation share.

The Third Round Methodology, adopted in 2008, requires that a municipality's fair share consist of three elements:

1. The remaining prior round unit obligation that was not constructed;
2. Rehabilitation share;
3. Growth share
 - For every four market residential units that receive a certificate of occupancy one new affordable housing unit must be created.
 - For every sixteen jobs created upon receipt of certificates of occupancy as a result of non-residential new construction or construction and expansion of existing residences, one unit affordable to households of low or moderate income must be created using COAH formulae relating built space to number of employees.

Municipal Summary

The Township of West Windsor is located in Mercer County. West Windsor contains four State Planning Areas: Metropolitan, Suburban, Rural, and Environmentally Sensitive. The Township, which is 27 square miles in area, is a major center for research, retail, and corporate offices. West Windsor is surrounded by Lawrence, Princeton, Plainsboro, East Windsor, Robbinsville and Hamilton Townships.

Between 1990 and 2000, West Windsor's population increased to 21,907, up 5,886 persons since the 1990 Census. Looking into the future, the Delaware Valley Regional Planning Commission (DVRPC) projected the Township to steadily grow in small increments of roughly 200 persons per year between now and 2020.

COAH Status

West Windsor's affordable housing history pre-dates COAH itself. The Township was sued in 1984 by the Affordable Building Corporation for exclusionary practices and settled in 1985. West Windsor was then sued by Toll Brothers in 1993. The Court issued an order of non-compliance in 1997, and by the end of the year West Windsor submitted a compliance plan. A Judgment of Compliance and Repose was entered in May of 1998, which protected the municipality through May of 2004. By court order the repose period was extended to December 2005. In 2005, the Township petitioned for the Third Round, but before their plan could be reviewed COAH was sued and stopped reviewing plans.

For the Third Round, COAH has determined that West Windsor has a rehabilitation obligation of 23 units, an 899 unit prior round obligation and a growth share obligation of 861 units. This is a combined total of 1,783 units. The chart below shows the Township's COAH components.

WEST WINDSOR TOWSHIP: COAH OBLIGATION				
Rehabilitation	Prior Round	Housing Allocation	Employment Allocation	Growth Share
23	899	1850 ÷ 5 370	7848 ÷ 16 490.5	861

Goal

It is the overall goal of the Housing Element and Fair Share Plan, in combination with the Land Use Plan, to provide the planning context in which access to low and moderate income housing can be provided in accordance with the requirements of the Fair Housing Act and the laws of the State of New Jersey.

CONTENT of HOUSING ELEMENT

The Municipal Land Use Law (“MLUL”) requires that “the housing element be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing.” A municipal master plan must contain a housing element to give a municipality protection from ‘builder’s remedy lawsuits’ through the COAH process. As per the MLUL, the housing element must contain at least the following items:

- A. Minimum requirements contained in N.J.S.A. 52:27D-310:
 - An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated;
 - A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
 - An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
 - An analysis of the existing jobs and employment characteristics of the municipality, and a projection of the probable future jobs and employment characteristics of the municipality
 - A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing; and
 - A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

- B. Household projection in Appendix F(2) of COAH's Third Round Rules
- C. Employment projection in Appendix F(2) of COAH's Third Round Rules
- D. Prior round obligation in Appendix C of COAH's Third Round Rules
- E. Rehabilitation share in Appendix B of COAH's Third Round Rules
- F. Projected growth share in accordance with N.J.A.C. 5:97-2.4

Supporting Information to be submitted:

- G. Copy of most recently adopted municipal zoning ordinance
- H. Copy of most up to date tax map

WEST WINDSOR | HOUSING ELEMENT

I. West Windsor's Housing Demographics

In 2000, there were approximately 7,450 dwelling units in West Windsor Township. The Township's housing stock includes single-family detached units, single-family attached units, and multi-family dwelling units. Single-family detached dwellings totaled 5,333, or 71.6% of the total housing stock. Including the 468 single-family attached dwelling units, single-family dwelling units account for

Housing Type By Units in Structure		
Unit Type	Number	Percent of Total
1, Detached	5,333	72%
1, Attached	468	6%
2	139	2%
3 or 4	55	1%
5 to 9	348	5%
10 to 19	870	12%
20 or more	237	3%
Mobile Home	0	0%
Other	0	0%
Total	7,450	100%
Median Rooms Per Unit	7.8	

Source: US Census Bureau H-30 Units in Structure: 2000

77.9% of the Township's total housing stock. Multi-family units totaled 2,111, or 28.3% of the total housing stock; of those, 1,107, or 14.9% contained ten or more units. The median of 7.8 rooms per unit is indicative of West Windsor's primarily single-family housing stock.

Owner Occupancy

For more than twenty years, most of the housing in West Windsor has been owner-occupied. In 2000, 5,899 units were owner-occupied, which accounts for 81.0% of the total occupied dwelling units within the Township.

Occupied Units					
	Owner Occupied	Percent	Renter Occupied	Percent	Total Occupied
West Windsor 1980	2,091	77.6%	604	22.4%	2,695
West Windsor 1990	4,085	76.2%	1,278	23.8%	5,363
West Windsor 2000	5,899	81.0%	1,383	19.0%	7,282
Mercer County 2000	84,338	67.0%	41,469	33.0%	125,807

Occupancy Status

The Township's 2000 vacancy rate decreased by 5.7% from the 1990 rate, to a total of 168 units (US Census of Population and Housing 1990). This change reflects the high rate of owner occupied units and the decrease in new housing construction that has occurred in the last several years.

The decrease in renter occupied percent is due to the proportion of renters to owners. The number of occupied rental units increased by 105 from 1,278 to 1,383 between 1990 and 2000 within the Township. The percentage of renter occupied housing

Occupied And Vacant Housing Rate					
	West Windsor	West Windsor %	Mercer County	Mercer County %	
Occupied Total	7,282	97.70%	125,807	94.40%	
Owner Occupied	5,899	79.20%	84,338	63.30%	
Renter Occupied	1,383	18.60%	41,469	31.10%	
Vacant Total	168	2.30%	7,473	5.60%	
For Rent	22	0.30%	2,366	1.80%	
For Sale Only	39	0.50%	1,344	1.00%	
Rented or Sold, Not Occupied	20	0.30%	711	0.50%	
For Seasonal, Recreational or Occasional Use	47	0.60%	378	0.30%	
For Migrant Workers	0	0.00%	5	0.00%	
Other Vacant	40	0.50%	2,669	2.00%	
Total Housing Units	7,450		133,280		

Source: US Census Bureau H-5 Vacancy Status: 2000

units decreased from 1990 to 2000 despite the fact that the number of rental units increased by 105 units from 1,278 units in 1990 to 1,383 in 2000. This decrease in the percentage is attributed to the greater increase in owner occupied units. Hence, the rate of change in owner occupied units far exceeds that of renter occupied units; a decrease in renter occupied percent is shown between 1990 and 2000.

Purchase and Rental Value of Housing Stock

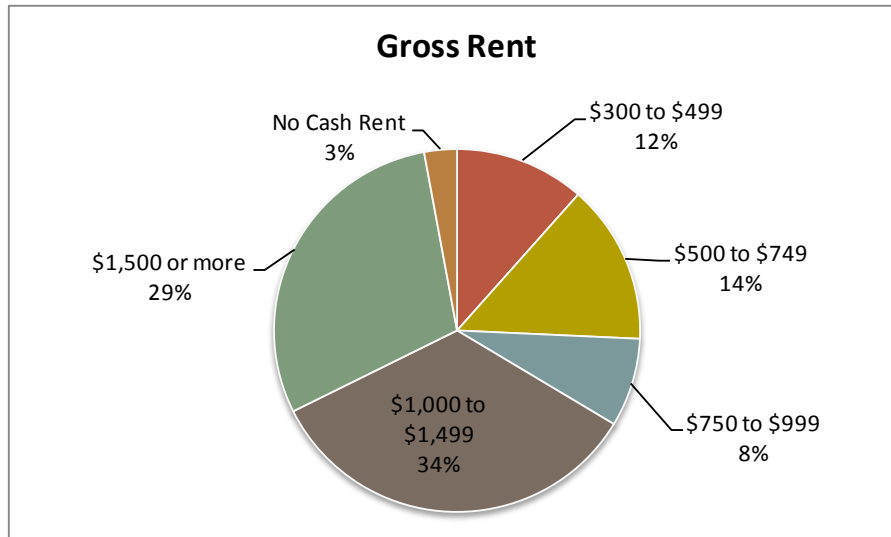
The median home sales value in West Windsor is very high compared to that of Mercer County and other Mercer County Municipalities. The demand for housing in the Township, causing home sales values to increase, can be partially attributed to factors such as convenient regional access, commuter rail service to New York City and the quality regional school system. The 2000 West Windsor median home sales value of \$333,800 was 226.5% that of Mercer County's median home sales value of \$147,400. This disparity has increased since the previous decade.

Value of Specified Owner-Occupied Housing Units: 2000		
Value	Units	Percent
Less than \$50,000	26	0.5%
\$50,000 to \$99,999	42	0.8%
\$100,000 to \$149,999	108	2.0%
\$150,000 to \$199,999	384	7.3%
\$200,000 to \$299,999	1,530	28.9%
\$300,000 to \$499,999	2,619	49.5%
\$500,000 to \$999,999	577	10.9%
\$1,000,000 or more	8	0.2%
Total	5,294	100%
Median 2000 Dollars	\$333,800	

Source: US Census Bureau DP-4 Profile of Selected Housing Characteristics: 2000

Almost 99% of the homes in West Windsor in 2000 were valued at \$100,000 or higher, while Mercer County holds 75% of the housing stock at that value or greater. During the previous decade, the Township maintained 97.6% of the housing stock valued at \$100,000 or higher while the County held 71.1% of housing units at that value. Of the Township's total housing stock, 89.5% of the homes are valued at \$200,000 or greater while the County holds 31.6% of the housing stock at that value or greater.

The median value for single family homes in West Windsor increased by 18.2% between 1990 and 2000, with the value increasing from \$282,300 to \$333,800. This is more than twice the increase the County saw between those years. The County median in 2000 was \$147,400, which was a mild rate increase of 7.8% from the 1990 median value of \$136,700.



Similar to home sales prices, the median gross rent in the Township far surpasses that of Mercer County. In 2000, the rent of 63.5% of West Windsor's apartment dwellers was in excess of \$1,000 per month. The median gross rent for the Township is \$1,198. The County's median gross rent is almost 40% less at \$727.

From 1980 to 2000, the median gross rent has increased more than four times over, from \$282 to \$1,198. In 1990, the Township's median gross rent was at \$776 while the County had a median gross rent of \$570, a 36.1% difference. Within the Township, 22.9% of the renters paid \$1,000 or more in rent per month, while only 4.1% of the renters in the County paid that amount per month.

Gross Rent of Specified Renter-Occupied Housing Units		
Rent (In Dollars)	West Windsor Units	West Windsor Percent
Less than \$200	0	0.00%
\$200 to \$299	0	0.00%
\$300 to \$499	163	11.60%
\$500 to \$749	200	14.20%
\$750 to \$999	111	7.90%
\$1,000 to \$1,499	481	34.10%
\$1,500 or more	415	29.40%
No Cash Rent	41	2.90%
Total	1,411	100%
Median 2000 Dollars	\$1,198	

Source: US Census Bureau DP-4 Profile of Selected Housing Characteristics: 2000

Condition of Housing Stock

The Census does not classify housing units as standard or substandard, but it can provide an estimate of substandard housing units that are occupied by low and moderate income households. COAH uses the Census to determine which units are overcrowded with more than one person living per room and dilapidated – lacking complete plumbing and/or kitchen facilities. COAH computes a municipality's rehabilitation share by adding together the number of overcrowded and dilapidated units and then

multiplying that sum by the municipality's regional low/moderate-income deterioration share. Subtracted from this result is any rehabilitation share credit.

Year Structure Built

COAH's new methodology for calculating rehabilitation has made one significant change from the methods presented in the original Third Round Rules. Housing units built in 1949 or earlier are now flagged instead of units built in 1939 or earlier. Research has demonstrated that units built 50 or more years ago are much more likely to be in substandard condition. Included in the rehabilitation calculation are overcrowded units and dilapidated housing. Overcrowded units are defined by the U.S. Department of Housing and Urban Development as those with more than one person living per room. Finally, COAH includes dilapidated housing – lacking complete plumbing and/or kitchen facilities as reported by the 2000 Census.

Approximately 8% of West Windsor Township's housing stock was built before 1950. Units built before 1950 is a factor in COAH's determine of each municipality's rehabilitation share. In West Windsor, 538 units were constructed before 1950. COAH has cited an obligation of 23 rehabilitation units for the Township, reflecting the relatively good condition of these older homes. The years between 1980 and 1994 produced the Township's largest amount of housing units (3,990 units). After the spike of development from 1980 to 1994, residential development in the Township has slowed.

Age of Housing Stock		
Year Built	Total Units	Percent
1939 or earlier	416	6%
1940 to 1949	122	2%
1950 to 1959	513	7%
1960 to 1969	739	10%
1970 to 1979	902	12%
1980 to 1989	2,618	35%
1990 to 1998	1,960	26%
1999 to March 2000	180	2%
Total Units	7,450	100%

Source: US Census Bureau H-34 Year Structure Built: 2000

Persons Per Room

Rooms with 1.01 or more persons are an index of overcrowding. The majority of the occupied housing units have 1.00 occupants per room or less, and a total of 1.8% units may be overcrowded.

Occupants Per Room of Occupied Housing Units		
	Number	Percent
1.00 or less	7,150	98.2%
1.01 to 1.50	66	0.9%
1.51 or more	66	0.9%

Source: US Census Bureau DP-4 Profile of Selected Housing Characteristics: 2000

Most of the Census indicators available at the municipal level indicate a sound housing stock. Approximately 1.8% of the units are occupied by more than 1 person per room. Additionally, 16 homes or 0.2% lack complete plumbing facilities, 6 homes or 0.1% lack complete kitchen facilities and all homes have telephone service. Although the majority of the housing stock in West Windsor Township is relatively new, 538 units, or 8% of the existing housing units were built prior to 1950. Given this situation, there is the potential for units in the Township to be eligible for rehabilitation.

II. West Windsor's Population Demographics

The population of West Windsor increased by an average of 3,878 persons per decade, or 338 people per year between 1950 and 2000. Most recently from the years 1990 to 2000, the Township grew from 16,021 to 21,907 persons, showing a growth rate of 36.7%. This growth is meager when compared to the years between 1980 and 1990 when the population nearly doubled, rising by 88.5% from 8,452 to 16,021 persons. This population increase from 1980 to 1990 reflects the housing development boom experienced in the mid-1980s.

Population Forecast			
Year	West Windsor	Change	Rate of Change
1950	2,519		
1960	4,016	1,497	59.4%
1970	6,431	2,415	60.1%
1980	8,452	2,111	32.8%
1990	16,021	7,479	88.5%
2000	21,907	5,886	36.7%
2005	23,120	1,213	5.5%
2010	24,180	1,060	4.6%
2015	25,910	1,730	7.2%
2020	26,510	600	2.3%
2025	28,100	1,590	6.0%
2030	29,265	1,165	4.2%

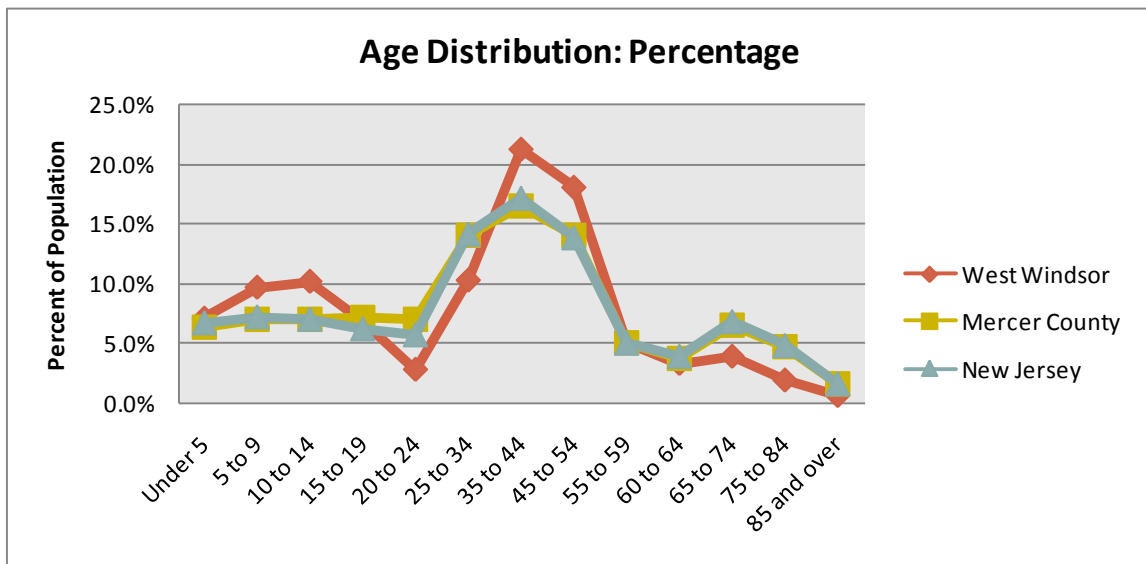
*Delaware Valley Regional Planning Commission: Population and
Employment Forecasts*

The Delaware Valley Regional Planning Commission forecasted a relatively modest growth rate of 10.4% between 2000 and 2010. West Windsor's lack of residentially zoned available land will be the most influential factor in the Township's population growth.

Age Distribution of Population

In 2000, 33.4% of West Windsor's population was 19 years of age and younger, while 6.2% of the population was 65 years or older. This represents a 0.6% increase in the senior population from 1990 when persons 65 years or older consisted of 5.6% of the total population. However, while the percent change in the 65 and older age group was small, the increase in persons was far more significant at 49.7%, or an increase from 901 to 1,349 persons during the years 1990 and 2000. The large increase of persons 65 and older and the small increase in the proportion of persons 65 or older relative to population indicate that the senior population has grown proportionally with the total population. Conversely, Mercer County experienced a 0.5% decline in people over 65 years, while the State declined by only 0.1% against 1990 figures. West Windsor, at 12.9%, has fewer persons aged 20 to 34 compared to County and State at 21% and 19.8%, respectively. This can partially be attributed to the high cost of housing in the Township and the predominance of single-family homes.

West Windsor's median age of 37.0 years is comparable to that of the County and State. Since 1990, the Township's median age has increased approximately 3.1 years from 33.9. The County and State have also experienced modest aging in the population during the same time period.



Age Distribution		
Age (Years)	West Windsor Number	West Windsor Percent
Under 5	1,541	7.0%
5 to 9	2,100	9.6%
10 to 14	2,223	10.1%
15 to 19	1,464	6.7%
20 to 24	599	2.7%
25 to 34	2,239	10.2%
35 to 44	4,647	21.2%
45 to 54	3,943	18.0%
55 to 59	1,092	5.0%
60 to 64	710	3.2%
65 to 74	842	3.8%
75 to 84	397	1.8%
85 and over	110	0.5%
Total	21,907	100.0%
Median Age	37	

Source: US Census Bureau DP-1 Profile of General Demographic Characteristics:
2000

Household Size and Type

According to the 2000 Census West Windsor had a total of 17.8% nonfamily households. Of the 7,282 total households in West Windsor 1,296 or 5.1% of households were headed by female householder without a husband present. The average family size in West Windsor was 3.36 persons in 2000.

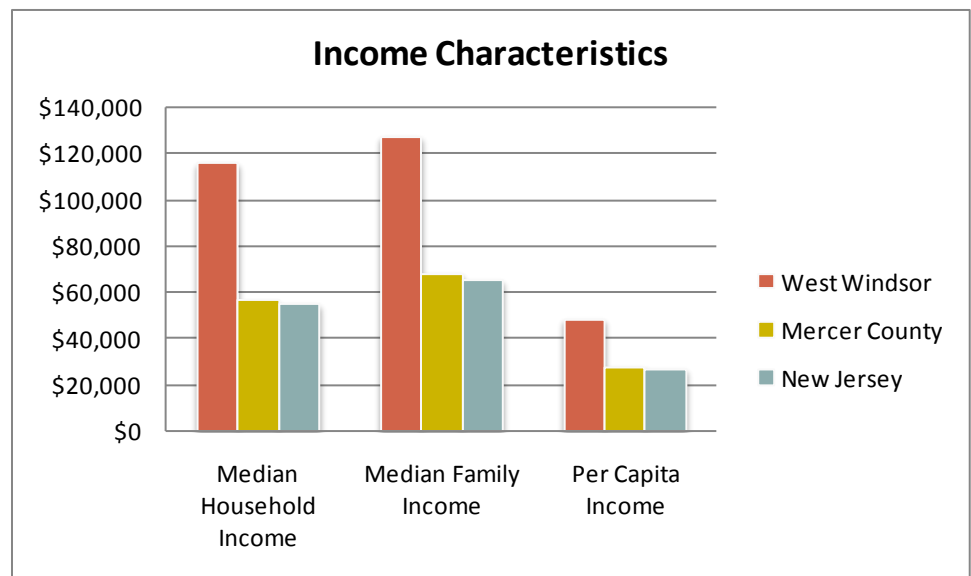
Household Size and Type		
	West Windsor	West Windsor Percent
Family Households	5,986	82.5%
Married Couple Family	5,482	75.3%
Female householder, no husband present	375	5.1%
Nonfamily households	1,296	17.8%
Total Households	7,282	100.0%
Average Household Size	3.01	
Average Family Size	3.36	

Source: US Census Bureau DP-1 Profile of General Demographic Characteristics: 2000

Income and Poverty Status

Since 1989, West Windsor has maintained a median household income nearly twice that of Mercer County and New Jersey. In 1999, the median household income in West Windsor was \$116,335, more than twice that of the County at \$56,613 and the State at \$55,146. In 1989, the Township's median household income was \$76,907, nearly twice that of the County median household income of \$41,227 and the State median household income of \$40,927.

Like median household income, per capita income is also significantly greater in West Windsor than Mercer County or New Jersey. In 1999, West



Windsor's median per capita income was \$48,511, more than \$20,000 in excess of the County's per capita income of \$27,914 and the State's per capita income of \$27,006. In addition, West Windsor's median per capita income increased by approximately 63% since 1989, far more than either the County or the State. In 1989, per capita income in West Windsor was \$30,761 compared to \$18,936 for the County and \$18,714 for the State.

Income Characteristics			
	West Windsor	Mercer County	New Jersey
Median Household Income	\$116,335	\$56,613	\$55,146
Median Family Income	\$127,877	\$68,494	\$65,370
Per Capita Income	\$48,511	\$27,914	\$27,006
Poverty Status (Percent of People)	2.5%	8.6%	8.5%
Poverty Status (Percent of Families)	2.0%	5.9%	6.3%

Source: US Census Bureau QT-P32 Income Distribution in 1999 of Households and Families: 2000

In 1999, 60.1% of West Windsor households made \$100,000 or more, compared to 22.9% in the County. This is a significant increase from the 1989 figures that indicate 31.8% of West Windsor's households and 9.0% of County households had a household income of \$100,000 or more. In addition, 19.1% of the households in the Township made \$200,000 or more in 1999, compared to 5.0% in the County. As can be expected, only 2.5% of West Windsor residents are at or below the poverty status, compared to 8.6% in the County and 8.5% in the State.

Household Income		
Household Income	West Windsor Number	West Windsor Percent
Less than \$10,000	138	1.9%
\$10,000 to \$14,999	94	1.3%
\$15,000 to \$24,999	224	3.1%
\$25,000 to \$34,999	275	3.8%
\$35,000 to \$49,999	494	6.7%
\$50,000 to \$74,999	783	10.7%
\$75,000 to \$99,999	922	12.6%
\$100,000 to \$149,999	1,723	23.5%
\$150,000 to \$199,999	1,282	17.5%
\$200,000 or more	1,397	19.1%
Total	7,332	100.0%

Source: US Census Bureau QT-P32 Income Distribution in 1999 of Households and Families: 2000

Marital Status by Sex of Person 15 Years and Older

In 1990, there were 238 more women than men over 15 years of age in West Windsor Township. In 2000, women over 15 years of age increased their lead by 116 persons making a total difference of 354 more women than men. The numbers of married and never married persons are nearly equal for males and females. Of all males 15 years and older, 73.6% were married, while 68.9% of the females were married in 2000. Separated individuals make up a very small percentage of the total population.

Marital Status of Persons 15 Years and Older				
Sex	Total	Never Married	Married	Separated
Male	7,871	1,647	5,797	69
Female	8,225	1,496	5,630	126
Total	16,096	3,143	11,427	195

Source: US Census Bureau QT-P18 Marital Status By Sex, Unmarried-Partner Households, and Grandparents as Caregivers: 2000

West Windsor Fall School Enrollment

The number of school children in the West Windsor- Plainsboro Regional School District has been increasing at a relatively steady pace since 1983, averaging 304 new students per year. In the past four years (since the beginning of 2004) West Windsor's enrollment has increased by 519 students. According to the school district West Windsor constitutes 58.3% of the total student population. Note that this is less than West Windsor's proportion just ten years ago in 1988, which was 62.3% of the total.

School Enrollment					
School Year	West Windsor Enrollment	West Windsor Percent of Total	Plainsboro Enrollment	Plainsboro Percent of Total	Total Enrollment
1983 - 1984	1,857	70.1%	791	29.9%	2,648
1984 - 1985	1,837	65.4%	973	34.6%	2,810
1985 - 1986	2,013	64.2%	1,122	35.8%	3,135
1986 - 1987	2,229	62.9%	1,313	37.1%	3,542
1987 - 1988	2,477	62.3%	1,502	37.7%	3,979
1988 - 1989	2,756	62.7%	1,638	37.3%	4,394
1989 - 1990	3,061	64.7%	1,672	35.3%	4,733
1990 - 1991	3,269	64.9%	1,771	35.1%	5,040
1991 - 1992	3,540	65.5%	1,867	34.5%	5,407
1992 - 1993	3,614	63.6%	2,070	36.7%	5,684
1993 - 1994	3,857	62.3%	2,240	37.7%	6,097
1994 - 1995	3,997	62.3%	2,411	37.7%	6,408
1995 - 1996	4,237	62.5%	2,541	37.5%	6,778
1996 - 1997	4,432	62.1%	2,599	37.9%	7,031
1997 - 1998	4,528	61.9%	2,688	38.1%	7,216
1998 - 1999	4,670	62.7%	2,739	37.3%	7,409
1999 - 2000	4,930	60.8%	3,182	39.2%	8,112
2000 - 2001	5,067	59.8%	3,411	40.2%	8,478
2001 - 2002	5,165	59.2%	3,566	40.8%	8,731
2002 - 2003	5,296	58.0%	3,836	42.0%	9,132
2003 - 2004	5,053	57.6%	3,729	42.5%	8,773
2004 - 2005	5,192	57.7%	3,838	42.5%	9,030
2005 - 2006	5,410	57.5%	3,994	42.5%	9,404
2006 - 2007	5,636	58.4%	4,013	41.6%	9,649
2007 - 2008	5,711	58.3%	4,081	41.7%	9,792

Source: Files Provided by Jon Cosse, Assistant Superintendent for Pupil Personnel Services
and Carolyn Eversole, School Business Administrator of West Windsor - Plainsboro Regional School District

III. Employment Demographics

Many changes have occurred in the overall economy between 1990 and 2008, including the growth of information technology business, which peaked in 1998, followed by outsourcing of global office workers, higher productivity per employee and a less feverish information technology business. Despite the recent lag in the economy as a whole, West Windsor has maintained a lower and steadier unemployment rate when compared to County and State figures.

In 2002, based on the New Jersey Department of Labor, West Windsor's unemployment rate of 2.8% was significantly lower than Mercer County's at 5.1% and the State's at 5.8%. According to the 2000 Census, West Windsor's unemployment rate was at 2.2%, while the County was at 4.9%, and the State was at 3.7%. In 1990, the Township's unemployment rate was the same as the 2000 figure, 2.2%, while the County was at 4.1%. According to the New Jersey Department of Labor, from 1990 to the present, the Township, County and State unemployment rates were highest in 1992 with West Windsor at 3.7%, the County at 6.6%, and the State at 8.5%.

Employment Characteristics			
	West Windsor	West Windsor Percent	Mercer County Percent
Population 16 Years and Older	15,640		
In Labor Force	11,228	71.8%	65.4%
Civilian Labor Force	11,228	71.8%	65.4%
Employed	10,887	69.6%	60.5%
Unemployed	341	2.2%	4.9%
Armed Forces	0	0.0%	0.0%
Not in Labor Force	4,412	28.2%	34.5%

Source: US Census Bureau P43 Sex By Employment Status For The Population 16 Years And Over: 2000

Occupational Characteristics

In 2000, 70% of West Windsor residents were employed in managerial and professional occupations. Including sales and administrative support, 91.5% of all employed persons in the workforce were employed in traditional "white collar" occupations. This is a higher percentage than is found in the County as a whole, where only 69.7% of the workforce is engaged in "white collar" professions.

Employed Civilian Population 16 And Over			
Occupation	West Windsor Number	West Windsor Percent	Mercer County Percent
Management, professional and related occupations	7,731	71.0%	43.2%
Service Occupations	487	4.5%	14.3%
Sales and Office Occupations	2,230	20.5%	26.5%
Farming, fishing and forestry occupations	0	0.0%	0.2%
Construction, extraction, and maintenance occupations	175	1.6%	6.1%
Production, transportation, and material moving occupations	264	2.4%	9.7%
Total	10,887	100.0%	

Source: US Census Bureau DP-3 Profile of Selected Economic Characteristics: 2000

Class of Worker

The Census reports on work activity of residents 16 years and older. The majority of West Windsor Township residents worked in the private sector during the 2000 Census.

Class of Worker		
	Number	Percent
Private wage & salary workers	8,952	82%
Government workers	1,385	13%
Self-employed workers	526	5%
Unpaid family workers	24	0%
Total	10,887	100%

Source: US Census Bureau, DP-3. Profile of Selected Economic Characteristics: 2000

Employment Projections

The Delaware Valley Regional Planning Commission estimates that West Windsor's employment will grow between 2000 and 2020 – from 22,695 to 31,266 employees, an increase 8,571 employees during just 20 years.

Employment Projections	
Year	Employment Projections
2000	22,695
2005	25,939
2010	27,814
2015	29,588
2020	31,266

Source: Delaware Valley Regional Planning Commission,
http://www.dvrpc.org/data/databull/adr/adr14/Appendix_B.pdf

In-Place Employment by Industry

New Jersey's Department of labor and Workforce Development reports on employment and wages within the state. The most recent in-place employment report was completed in 2003. West Windsor saw growth in its retail, real estate and accommodation and food services industries during 2003. Professional and technical industries had the largest number of establishments within the Township at 28% of the total. Private industry jobs clearly constitute a majority of West Windsor's employment. Only 12.8% of the total jobs in West Windsor were local government jobs in 2003.

2003 In-Place Employment By Industry Sector						
Industry	EMPLOYMENT					NUMBER OF
	March	June	September	December	Average	ESTABLISHMENTS
Agriculture, forestry, fishing and hunting	0	0	0	0	0	0
Construction	176	223	218	197	203	36
Manufacturing	369	403	408	412	397	17
Wholesale trade	1,279	1,317	1,338	1,396	1,316	69
Retail trade	3,274	3,455	3,455	4,180	3,519	95
Transportation and warehousing	444	436	647	482	498	10
Information	919	880	851	813	885	39
Finance and insurance	1,165	1,192	1,113	1,112	1,154	75
Real estate and rental and leasing	60	74	84	87	77	21
Professional and technical services	4,744	4,711	4,493	4,567	4,648	311
Management of companies and enterprises	0	0	0	0	0	0
Administrative and waste services	959	984	1,125	1,098	1,017	57
Educational services	203	194	179	209	198	14
Health care and social assistance	634	683	741	753	690	79
Arts, entertainment, and recreation	124	237	236	249	203	14
Accommodation and food services	1,281	1,335	1,349	1,372	1,319	59
Other services, except public administration	337	393	383	397	374	124
Unclassified entities	84	142	139	69	99	75
PRIVATE SECTOR MUNICIPALITY TOTAL	16,532	17,130	17,229	17,888	17,075	1,101
FEDERAL GOVT MUNICIPALITY TOTAL	669	642	598	742	672	4
LOCAL GOVT MUNICIPALITY TOTAL	2,923	2,648	2,343	2,834	2,601	5

Source: NJ Department of Labor and Workforce Development, Employment and Wages, 2003 Annual Report

Place of Work

Only 19% of West Windsor residents work within the Township, 44% work within Mercer County, 31% work outside of the County and 25% work outside New Jersey. The primary reason for approximately half of the residents working outside of the County, and a quarter working outside of the State is the convenient access to the regional road system and access to the Northeast Corridor rail line providing commuter rail service to New York City, as well as other destinations. These factors illustrate the importance of West Windsor's transportation systems.

Place Of Work For Residents 16 Years of Age and Over		
Place of Work	Number	Percent
Worked in State of Residence	8,016	75%
Worked in County of Residence	4,703	44%
Worked outside County of Residence	3,313	31%
Worked in Municipality of Residence	2,078	19%
Worked outside State of Residence	2,697	25%
Total	10,713	

Source: US Census Bureau P29 Place Of Work For Workers 16 Years And Over, 2000

Travel Time to Work

The mean commute time among West Windsor residents was 42 minutes during the 2000 Census, with 17.8% of the population having a travel time of 90 minutes or more.

Compared to the mean of 27.1 and 30.0 minutes travel times for Mercer County and the State respectively, West Windsor residents spend approximately a quarter of an hour longer commuting to or from their place of employment.

Travel Time to Employment			
Total Time	West Windsor Percent	Mercer County Percent	New Jersey Percent
Less Than 5 Minutes	1.2%	2.9%	2.6%
5 - 9 Minutes	6.6%	9.7%	9.0%
10 - 14 Minutes	12.8%	14.9%	12.5%
15 - 19 Minutes	13.7%	16.7%	13.2%
20 - 24 Minutes	9.6%	14.9%	12.8%
25 - 29 Minutes	2.9%	5.5%	5.4%
30 - 34 Minutes	6.6%	10.6%	12.7%
35 - 39 Minutes	0.9%	2.1%	2.8%
40 - 44 Minutes	2.5%	2.5%	4.0%
45 - 59 Minutes	6.5%	6.1%	9.1%
60 - 89 Minutes	13.5%	6.0%	8.7%
90 Or More Minutes	17.8%	4.9%	4.5%
Worked at home	5.5%	3.2%	2.7%
Total Percentage	100.0%	100.0%	100.0%
Mean Travel Time (In Minutes)	42	27.1	30

Source: US Census Bureau P31 Travel Time To Work For Workers 16 Years And Over

IV. Projected Growth Share

Measuring the Actual Growth Share Obligation

“Growth Share” is the affordable housing obligation generated in West Windsor by both residential and non-residential development between January 1, 2004 and December 31, 2018. Growth Share is represented by a ratio of one affordable housing unit for every four market-rate units constructed and one affordable housing unit for every 16 new jobs created by non-residential additions or new construction in based on the conversion table located in COAH’s Third Round Rules, Appendix D.

West Windsor’s actual growth share obligation is composed of two components: residential and non-residential. The actual residential growth share obligation is the total number of market-rate residential certificates of occupancy issued within the Township between January 1, 2004 and December 31, 2018. For every four market rate residential units issued a certificate of occupancy from January 1, 2004 and

later, one additional unit affordable to low and moderate income households must be provided in a manner approved by COAH. Also for every sixteen new jobs added to the municipality after January 1, 2004, one unit affordable to low and moderate income households must be provided. Appendix D of the Third Round Rules provides the ratios for square feet generating one affordable unit and jobs per 1,000 square feet for each use group.

The following chart summarizes the non-residential growth share calculation ratios.

APPENDIX D NON-RESIDENTIAL GROWTH SHARE CALCULATIONS			
Use Group	Use Group Description	Square Feet Generating One Affordable Unit	Jobs Per 1,000 Square Feet
B - Office	Office buildings	5,714	2.8
M - Retail	Buildings that display and sell products, includes retail stores, shops, gas stations	9,412	1.7
F - Industrial	Factories where products are made, processed, or assembled	13,333	1.2
S - Storage	Includes warehouses, lumberyards	16,000	1
H - Hazardous	High hazard manufacturing, processing, generation and storage uses	10,000	1.6
A1 - Assembly	Includes theaters, concert halls, tv studios	10,000	1.6
A2 - Assembly	Includes casinos, night clubs, restaurants	5,000	3.2
A3 - Assembly	Includes libraries, lecture halls, arcades, galleries, funeral parlors, gymnasiums	10,000	1.6
A4 - Assembly	Includes arenas, skating rinks and pools	4,706	3.4
A5 - Assembly	Includes amusement park structures and stadiums	6,154	2.6
I - Institutional	Includes assisted living facilities, hospitals, nursing homes, jails and day care facilities	6,154	2.6
R1 - Hotel	Hotel, motel, dormitories and continuing care retirement communities	9,412	1.7

Housing Projections

COAH requires each municipality to project the municipality's housing stock growth for the next ten years and include construction permits issued, approvals of applications for development and probable future construction of low and moderate-income housing. The majority of this information can be found on the Department of Community Affairs' Division of Codes and Standards website. Within the Division of Codes and Standards website is the New Jersey Construction Reporter, which contains building permit, certificate of occupancy and demolition data that is submitted by municipal construction officials each month. The New Jersey Construction Reporter has information dating back to 1996, which can be used to show the historic trends of West Windsor's development.

Residential construction data from 1996 until 2003 reveals that West Windsor had a net residential growth (excluding demolitions) of 1,175 units. This averages to 146 new units per year. Demolitions are not subtracted from Certificates of Occupancy (Cos) because COAH does not allow them to be deducted. Demolition data is provided for informational purposes only.

TABLE R-1 HISTORIC TREND OF CERTIFICATES OF OCCUPANCY & DEMOLITIONS PERMITS									
	1996	1997	1998	1999	2000	2001	2002	2003	Total
COs Issued	22	79	78	136	184	179	312	185	1,175
Demolitions	4	6	4	5	6	7	7	2	41

Source: *Certificates of Occupancy and Demolition Permits - New Jersey Dept. of Community Affairs*,
<http://www.state.nj.us/dca/codes/cr/conrep.shtml>

Since the beginning of the Third Round, 1,191 new homes have been constructed in West Windsor. Table R-2 shows the certificates of occupancy that occurred since January 1, 2004, which will generate an obligation for the Township unless they were a part of a second round site inclusionary development.

TABLE R-2 ACUTAL CERTIFICATES OF OCCUPANCY & DEMOLITION PERMITS					
	2004	2005	2006	2007	Total
COs Issued	149	226	709	107	1,191
Demolitions	2	3	4	2	11

Source: *Certificates of Occupancy and Demolition Permits - NJDCA*,
<http://www.state.nj.us/dca/codes/cr/conrep.shtml>

Table R-3 presents residential development activity that is anticipated between 2008 and 2018. This includes approved development applications, pending applications and anticipated residential development. Table R-3 contains a “historic trend projection,” which is a rough projection of residential development that is likely to occur during the remainder of the Third Round and is based on historic building data. The approved development includes 7 inclusionary developments that will include a number of affordable units with the market-rate units built. Approved and projected development is estimated to produce 1,443 residential units during this ten year period.

TABLE R-3 ANTICIPATED, PENDING & APPROVED RESIDENTIAL DEVELOPMENTS												
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
Approved Development Applications												
COs issued since 1/1/08	67											67
Renaissance/Elements: B 28, L 5	20	22	30	30	30							132
Bear Creek: B 33, L 1.02							17	17	17			51
West Windsor Gardens (Akselrad): B 15.14, L 8, 13, 166, etc.		86	86	85	85							342
Princeton Research Lands: B 19, L 24.02						6	5	5				16
Dey Farm Estates			2									2
Anita Nischal				2								2
Heatherfield		5										5
Seefelt		1										1
Pending Development Applications												
Blue Ribbon Equity (DiMeglio): B 15.14, L 14, 15, 34			56	57								113
Chalimar Holdings		5										5
												0
Anticipated Development Applications												
Chalimar Holdings					7	8						15
Seminary: B 7, L 58.01 and B 7.02			95	95	95	95						380
Maneely/Project Freedom: B 10, L 2, 8.01, 33					37	38	49	48				172
RO-1 Zoning: B 28, L 15				47	47	46						140
Other Projected Development												
												0
												0
Total Projected Development	87	119	269	316	301	193	71	70	17	0	0	1,443

Source: West Windsor Building Department, Planning Board Applications List & Current Market Conditions

Table R-4 shows the total residential growth, the sum of both the actual residential development and the projected residential growth from 2004 to 2018. A total of 2,826 units are estimated for the Township.

TABLE R-4 TOTAL NET RESIDENTIAL GROWTH (SUM OF ACTUAL & PROJECTED GROWTH)																	
	Actual				Projected												Total
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018		
Total COs Issued	149	226	709	107	87	125	191	237	206	92	123	216	168	95	95	2826	

From the total number of residential certificates of occupancy issued in the Township, the following can be subtracted as per NJAC 5:97-2.4(a)1i-ii:

- Affordable housing units that received credit in a first or second round certified plan or court of judgment of compliance which have been or are projected to be constructed after January 1, 2004;
- Market-rate units in an inclusionary or mixed-use development where those affordable units received credit in a first or second round certified plan or court judgment of compliance, which have been or are projected to be constructed after January 1, 2004, provided these sites are zoned to produce affordable housing units (maximum exclusion of market-rate units from residential growth is 5.67 times the number of affordable);

As Table R-5 shows, West Windsor has 6 inclusionary projects that were designated as prior round sites and received or will receive certificates of occupancy after January 1, 2004. These 6 projects included 359 affordable units, which are able to exclude 1,661 market-rate units. Therefore, West Windsor's obligation can be reduced by 2,020 units, which is shown in Table R-6. This results in a final net growth of 806 housing units for West Windsor Township during the third round period.

TABLE R-5 AFFORDABLE & MARKET-RATE UNITS IN INCLUSIONARY DEVELOPMENTS TO BE EXCLUDED FROM THE GROWTH SHARE OBLIGATION BY YEAR THAT COS ANTICIPATED TO BE ISSUED			
Project	Affordable Units that Received Credit in First/Second Round Plan/Court Judgement	Market-rate Units in an Inclusionary Development	Total
Meadow Lane Apts	35	105	140
Estates at Princeton Jct	175	990	1165
Bear Creek	51	169	220
Renaissance/Elements	6	34	40
West Windsor Gardens/Akselrad	69	273	342
Blue Ribbon Equity/Demeglio	23	90	113
Total	359	1,661	2,020

Note: See N.J.A.C. 5:97-2.4(a)1 for detailed requirements that permit units to be excluded from growth share projections.

Source: West Windsor Building Department

The 2,020 excluded units can then be subtracted from the net residential growth, as shown in Table R-6. This calculation results in a final net growth of 806 housing units for the Township.

TABLE R-6 NET RESIDENTIAL GROWTH AFTER SUBTRACTING EXCLUDED UNITS	
	Units
Net Residential Growth	2,826
Excluded Units	2,020
Final Net Growth	806

COAH requires that one affordable unit be built for every four market-rate units actually constructed. To calculate the projected growth share obligation of the potential residential development, COAH states that the municipality shall divide the total by five. If built as projected, the final net residential growth will require the construction of a total of 161.2 affordable housing units as Table R-7 shows.

TABLE R-7 AFFORDABLE HOUSING UNIT GROWTH PROJECTIONS	
	Total
Total Net Growth	806
Divided by 5	161.2
Total Affordable Units	161.2

Note: Negative growth projections are not permitted.

Total net growth of less than 0 is rounded up to 0.

Employment Projections

To project future employment characteristics, the historical trends will be utilized as well as anticipated, pending or approved non-residential applications. New Jersey Construction Reporter data was gathered to illustrate the pace of non-residential development in West Windsor since 1996. As Table NR-1 shows, the Township has mainly seen A3-Assembly (this includes lecture halls, funeral parlors and gymnasiums) office, institutional, retail, dormitory/hotel development and storage. Between 1996 and 2003, West Windsor constructed 728,959 square feet of new non-residential space. More than 37% of this square footage was new office construction. New retail space constituted 32% of this development.

TABLE NR-1 HISTORIC TREND OF CERTIFICATES OF OCCUPANCY & DEMOLITION PERMITS ISSUED									
	1996	1997	1998	1999	2000	2001	2002	2003	Total
A1 - Assembly	0	0	0	0	0	0	0	0	0
A2 - Assembly	0	0	0	0	0	0	0	0	0
A3 - Assembly	930	0	15,293	0	16,766	0	0	0	32,989
A4 - Assembly	0	0	0	0	0	0	0	0	0
A5 - Assembly	0	0	0	0	0	0	0	0	0
B - Office	0	7,902	225	258,396	3,028	0	0	297	269,848
F - Industrial	0	0	0	0	0	0	0	0	0
H - High Hazard	0	0	0	0	0	0	0	0	0
I - Institutional	0	12,441	0	0	0	0	1,200	0	13,641
M - Retail	0	3,090	2,437	23,297	0	0	154,569	51,667	235,060
R1 - Dormitory	0	1,882	42,960	0	0	0	40,303	0	85,145
S - Storage	0	0	0	92,276	0	0	0	0	92,276
Total New Development	930	25,315	60,915	373,969	19,794	0	196,072	51,964	728,959
Demolition Permits Issued									
A1 - Assembly	0	0	0	0	0	0	0	0	0
A2 - Assembly	0	0	0	0	0	0	0	0	0
A3 - Assembly	0	0	0	0	0	0	0	0	0
A4 - Assembly	0	0	0	0	0	0	0	0	0
A5 - Assembly	0	0	0	0	0	0	0	0	0
B - Office	0	0	0	0	0	0	0	0	0
F - Industrial	0	0	0	0	0	0	0	0	0
H - High Hazard	0	0	0	0	0	0	0	0	0
I - Institutional	0	0	0	0	0	0	0	0	0
M - Retail	0	0	0	0	0	0	0	0	0
R1 - Dormitory	0	0	0	0	0	0	0	0	0
S - Storage	0	0	0	0	0	0	0	0	0
Total Demolitions	0	0	0	0	0	0	0	0	0

Source: Certificates of Occupancy and Demolition Permits - NJDCA, <http://www.state.nj.us/dca/codes/cr/conrep.shtml> and West Windsor Building Department

As for the first four years of the Third Round cycle, A2 Assembly (restaurant space), A3 Assembly (lecture halls, gymnasiums, etc.), office, institutional, retail and R1 (dormitory or hotel development) and storage uses have been constructed. A total of 323,955 square feet of new non-residential space was constructed during this four year period. New Jersey Construction Reporter's data was utilized for the majority of the data, but found to be flawed for 2005, 2006 and 2007. The data published by New Jersey Construction Reporter claimed the Township issued COs for more than 203,000 square feet of R1 (dormitory/hotel) space, this information included multi-family units that received COs as residential space and therefore were being double counted. Instead only 84,095 square feet was constructed (a hotel) in 2005. The same error was again found in 2006 – New Jersey Construction Reporter claimed the Township COed over 71,000 square feet of R1 space, instead West Windsor issued no new R1 COs. Finally, the Construction Reporter listed only 1 square foot of new office construction during 2007. The West Windsor Building Department's records show a total of 1,420 square feet of new office space. Table NR-2 reflects the new non-residential development between 2004 and 2007 as well as retail demolitions that occurred in 2004, 2005 and 2006 that can be subtracted from the growth share.

TABLE NR-2 ACTUAL CERTIFICATES OF OCCUPANCY & DEMOLITION PERMITS ISSUED					
	2004	2005	2006	2007	Total
Certificates of Occupancy Issued					
A1 - Assembly	0	0	0	0	0
A2 - Assembly	0	0	7,773	0	7,773
A3 - Assembly	19,510	6,165	9,091	0	34,766
A4 - Assembly	0	0	0	0	0
A5 - Assembly	0	0	0	0	0
B - Office	1,968	1,385	3,651	1,420	8,424
F - Industrial	0	0	0	0	0
H - High Hazard	0	0	0	0	0
I - Institutional	0	4,950	0	0	4,950
M - Retail	36,789	0	0	0	36,789
R1 - Dormitory	135,542	84,095	0	0	219,637
S - Storage	0	0	0	11,616	11,616
Total New Development	193,809	96,595	20,515	13,036	323,955
Demolition Permits Issued					
A1 - Assembly	0	0	0	0	0
A2 - Assembly	0	0	0	0	0
A3 - Assembly	0	0	0	0	0
A4 - Assembly	0	0	0	0	0
A5 - Assembly	0	0	0	0	0
B - Office	0	0	0	0	0
F - Industrial	0	0	0	0	0
H - High Hazard	0	0	0	0	0
I - Institutional	0	0	0	0	0
M - Retail	3,000	8,000	2,188	0	13,188
R1 - Dormitory	0	0	0	0	0
S - Storage	0	0	0	0	0
Total Demolitions	3,000	8,000	2,188	0	13,188

Source: *Certificates of Occupancy and Demolition Permits - NJDCA*,
<http://www.state.nj.us/dca/codes/cr/conrep.shtml> and West Windsor Building Department

Table NR-3 shows the number of jobs that were generated between 1996 and 2003 according to COAH's non-residential job generation formulae contained in Appendix D of the rules. As the table shows, 1,390 jobs were generated by new non-residential development.

TABLE NR-3 HISTORIC TREND OF CERTIFICATES OF OCCUPANCY & DEMOLITIONS PERMITS ISSUED										
Use Group	Jobs / 1,000 sf	1996	1997	1998	1999	2000	2001	2002	2003	Total
Certificates of Occupancy Issued										
A1 - Assembly	1.6	0	0	0	0	0	0	0	0	0
A2 - Assembly	3.2	0	0	0	0	0	0	0	0	0
A3 - Assembly	1.6	3	0	24	0	27	0	0	0	54
A4 - Assembly	3.4	0	0	0	0	57	0	0	0	57
A5 - Assembly	2.6	0	0	0	0	0	0	0	0	0
B - Office	2.8	0	0	0	413	5	0	0	0	419
F - Industrial	1.2	0	9	0	310	4	0	0	0	323
H - High Hazard	1.6	0	0	0	0	0	0	0	0	0
I - Institutional	2.6	0	0	0	0	0	0	2	0	2
M - Retail	1.7	0	21	4	0	0	0	247	83	355
R1 - Dormitory	1.7	0	5	69	40	0	0	64	0	178
S - Storage	1.0	0	2	0	0	0	0	0	0	2
Total New Development		3	38	97	763	92	0	314	83	1,390
Demolition Permits Issued										
A1 - Assembly	1.6	0	0	0	0	0	0	0	0	0
A2 - Assembly	3.2	0	0	0	0	0	0	0	0	0
A3 - Assembly	1.6	0	0	0	0	0	0	0	0	0
A4 - Assembly	3.4	0	0	0	0	0	0	0	0	0
A5 - Assembly	2.6	0	0	0	0	0	0	0	0	0
B - Office	2.8	0	0	0	0	0	0	0	0	0
F - Industrial	1.2	0	0	0	0	0	0	0	0	0
H - High Hazard	1.6	0	0	0	0	0	0	0	0	0
I - Institutional	2.6	0	0	0	0	0	0	0	0	0
M - Retail	1.7	0	0	0	0	0	0	0	0	0
R1 - Dormitory	1.7	0	0	0	0	0	0	0	0	0
S - Storage	1.0	0	0	0	0	0	0	0	0	0
Total Demolitions		0	0	0	0	0	0	0	0	0

Source: Jobs per square foot based on COAH formulae contained in Appendix D

Table NR-4 converts non-residential development that has been constructed between January 1, 2004 and December 31, 2007 to jobs generated per use group. The 310,000 plus square feet will generate a total of 542 (564 – 22) jobs. For every sixteen jobs generated, one affordable unit will be required. Therefore, these 542 jobs will require 33.9 affordable housing units.

TABLE NR-4 ACTUAL CERTIFICATES OF OCCUPANCY & DEMOLITION PERMITS ISSUED						
Use Group	Jobs / 1,000 sf	2004	2005	2006	2007	Total
Certificates of Occupancy Issued						
A1 - Assembly	1.6	0	0	0	0	0
A2 - Assembly	3.2	0	0	25	0	25
A3 - Assembly	1.6	31	10	15	0	56
A4 - Assembly	3.4	0	0	0	0	0
A5 - Assembly	2.6	0	0	0	0	0
B - Office	2.8	6	4	10	4	24
F - Industrial	1.2	0	0	0	0	0
H - High Hazard	1.6	0	0	0	0	0
I - Institutional	2.6	0	13	0	0	13
M - Retail	1.7	63	0	0	0	63
R1 - Dormitory	1.7	230	143	0	0	373
S - Storage	1.0	0	0	0	12	12
Total New Development		330	170	50	16	564
Demolition Permits Issued						
A1 - Assembly	1.6	0	0	0	0	0
A2 - Assembly	3.2	0	0	0	0	0
A3 - Assembly	1.6	0	0	0	0	0
A4 - Assembly	3.4	0	0	0	0	0
A5 - Assembly	2.6	0	0	0	0	0
B - Office	2.8	0	0	0	0	0
F - Industrial	1.2	0	0	0	0	0
H - High Hazard	1.6	0	0	0	0	0
I - Institutional	2.6	0	0	0	0	0
M - Retail	1.7	5	14	4	0	22
R1 - Dormitory	1.7	0	0	0	0	0
S - Storage	1.0	0	0	0	0	0
Total Demolitions		5	14	4	0	22

Source: Jobs per square foot based on COAH formulae contained in Appendix D

Table NR-5A2, NR-5A3, NR-5B and NR-5S present non-residential development activity that is anticipated to occur between 2008 and 2018. This includes projected development based on historic non-residential building trends in West Windsor and current market conditions.

Table NR-5A2 shows the amount of assembly type development, which typically includes restaurants, which is approved and anticipated for the Township between 2008 and 2018. The 20,000 square feet of assembly space would generate roughly 64.0 new jobs.

TABLE NR-5A2 "A2" USE GROUP: Developments and Anticipated Developments by the Year that COs are Anticipated to be Issued *													
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total Area	Jobs
Approved Development Applications													
Mack Cali (Palladium)										7,500	7,500	15,000	48.0
												0	0.0
Pending Development Applications													
												0	0.0
												0	0.0
Anticipated Development Applications													
												0	0.0
												0	0.0
Other Projected Development													
Historic Trend Projection						2,500				2,500		5,000	16.0
Total	0	0	0	0	0	2,500	0	0	0	10,000	7,500	20,000	64.0
Total Projected Demolitions												0	0.0

*3.2 jobs per 1,000 square feet

Source: West Windsor Community Development Office, Historical Trend Projection & Current Market Conditions

Table NR-5A3 shows the amount of assembly type development (lecture halls, gymnasiums, etc.) that have been approved and also projected assembly development based on historic trends. Over the remainder of the Third Round West Windsor is estimated to CO over 94,000 square feet of A3 development. If built, this development will generate 151.4 jobs according to COAH.

TABLE NR-5A3 "A3" USE GROUP: ANTICIPATED DEVELOPMENT BY YEAR CO ANTICIPATED TO BE ISSUED*													
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total Area	Jobs
Approved Development Applications													
JCC: B 8, L 14, 44										38,000		38,000	60.8
WWHSC: B 9, L 23.01, 35							28,151	25,000				53,151	85.0
Pending Development Applications													
												0	0.0
												0	0.0
Anticipated Development Applications													
												0	0.0
												0	0.0
Other Projected Development													
Historic Trend Projection			1,000						1,000		1,500	3,500	5.6
Total	0	0	1,000	0	0	0	28,151	25,000	1,000	38,000	1,500	94,651	151.4
Total Projected Demolitions												0	0.0

*1.6 jobs per 1,000 square feet

Source: West Windsor Community Development Office, Historical Trend Projection & Current Market Conditions

Table NR-5B shows the amount of office space that is anticipated for West Windsor between 2008 and 2018. Currently, 13 developments are either approved or pending approval. These projects are estimated to construct more than 1.7 million square feet of office space between now and the end of

2018. In addition to the existing applications, another 15,000 square feet of office space is anticipated to occur based on historic trends. In total, the office development would generate almost 5,000 new jobs for West Windsor based on COAH's job ratios.

TABLE NR-5B "B" USE GROUP: ANTICIPATED DEVELOPMENTS BY YEAR CO ANTICIPATED TO BE ISSUED*													
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total Area	Jobs
Approved Development Applications													
Development CO-ed to date	471,310											471,310	1319.7
Windsor Business Park West: B 21.04, L 1, 3		26,466										26,466	74.1
Princeton Overlook: B 7.13, L 9.01								140,000				140,000	392.0
Sarnoff Corporation: B 5, L 8.02										150,000		150,000	420.0
P.J. Metro Office Park, Phase II: B 6, L 79.01						97,024						97,024	271.7
Carnegie Center Bldg 300: B 9, L 78				106,000								106,000	296.8
Carnegie Center Bldg 901: B 7.15, L 12.09			130,000									130,000	364.0
Carnegie Center Bldg 701: B 7.13, L 12.02		112,000										112,000	313.6
CDNJ: B 12.04, L 2		10,000										10,000	28.0
Wiltshire: B 10, L 15.03							39,675					39,675	111.1
Schlumberger Tech Corp: B 6.20, L 20			13,448									13,448	37.7
Hilton & Office Park: B 8, L 7, 8				35,000		35,000			35,000		23,414	128,414	359.6
Pending Development Applications													
19 Roszel Road Assoc: B 9, L 62					100,500							100,500	281.4
R.G. Development LLC: B 8, L 13, 21, 51							93,303		93,303			186,606	522.5
Anticipated Development Applications													
												0	0.0
												0	0.0
Other Projected Development													
Historic Trend Projection							5,000		5,000		5,000	15,000	42.0
Total	471,310	148,466	143,448	141,000	100,500	132,024	137,978	140,000	133,303	150,000	28,414	1,726,443	4834.0
Total Projected Demolitions												0	0.0

*2.8 jobs per 1,000 square feet

Source: West Windsor Community Development Office, Historical Trend Projection & Current Market Conditions

Table NR-5M shows the amount of retail development approved for West Windsor between 2008 and 2018. The 169,817 square feet of retail development would generate roughly 288.7 new jobs.

TABLE NR-M "M" USE GROUP: Developments and Anticipated Developments by the Year that COs are Anticipated to be Issued *													
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total Area	Jobs
Approved Development Applications													
Rite Aid: B 12.04, L 10, 17		14,673	6,000									20,673	35.1
G and B Business Assoc: B 11.03, L 32			1,500									1,500	2.6
WWM Properties: B 28, L 1				20,000	25,044							45,044	76.6
Princeton Arms Center: B 37.01, L 8								18,000	19,600			37,600	63.9
												0	0.0
Pending Development Applications													
												0	0.0
												0	0.0
Anticipated Development Applications													
Maneely/Project Freedom						20,000	20,000					40,000	68.0
RO-1 Zoning										12,500	12,500	25,000	42.5
Other Projected Development													
												0	0.0
Total	0	14,673	7,500	20,000	25,044	20,000	20,000	18,000	19,600	12,500	12,500	169,817	288.7
Total Projected Demolitions												0	0.0

*1.7 job per 1,000 square feet

Source: West Windsor Community Development Office, Historical Trend Projection & Current Market Conditions

Table NR-5R1 shows the amount of hotel, motel and dormitory development that is anticipated. The approved and projected 746,725 square feet of development would generate 1,269.4 new jobs.

TABLE NR-5R1 "R-1" USE GROUP: Developments and Anticipated Developments by the Year that COs are Anticipated to be Issued *													
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total Area	Jobs
Approved Development Applications													
Palmer Inn: B 7, L 59								17,322				17,322	29.4
Mack Cali (Palladium): B 9, L 12										75,000	75,000	150,000	255.0
Bear Creek Assisted Living					40,000		41,139					81,139	137.9
Hilton & Office Park: B 8, L 7, 8						98,264						98,264	167.0
Pending Development Applications													
												0	0.0
												0	0.0
Anticipated Development Applications													
Maneely/Project Freedom						400,000						400,000	680.0
												0	0.0
Other Projected Development													
												0	0.0
Total	0	0	0	0	40,000	498,264	41,139	17,322	0	75,000	75,000	746,725	1269.4
Total Projected Demolitions												0	0.0

*1.7 jobs per 1,000 square feet

Source: West Windsor Community Development Office, Historical Trend Projection & Current Market Conditions

Table NR-6 shows the square footage of non-residential space that is anticipated to occur within West Windsor between 2008 and 2018 in all use categories. A total of 2,787,050 square feet of new non-residential development is projected to occur over the ten year period; this averages almost 254,000 square feet per year.

TABLE NR-6 NET PROJECTED NEW DEVELOPMENT												
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
Certificates of Occupancy Issued												
A1 - Assembly	0	0	0	0	0	0	0	0	0	0	0	0
A2 - Assembly	0	0	0	0	0	2,500	0	0	0	10,000	7,500	20,000
A3 - Assembly	0	0	1,000	0	0	0	28,151	25,000	1,000	38,000	1,500	94,651
A4 - Assembly	0	0	0	0	0	0	0	0	0	0	0	0
A5 - Assembly	0	0	0	0	0	0	0	0	0	0	0	0
B - Office	471,310	148,466	143,448	141,000	100,500	132,024	137,978	140,000	133,303	150,000	28,414	1,726,443
F - Industrial	0	0	0	0	0	0	0	0	0	0	0	0
H - High Hazard	0	0	0	0	0	0	0	0	0	0	0	0
I - Institutional	0	0	0	0	0	0	0	0	0	0	0	0
M - Retail	0	14,673	7,500	20,000	25,044	20,000	20,000	18,000	19,600	12,500	12,500	169,817
R1 - Dormitory	0	0	0	0	40,000	498,264	41,139	17,322	0	75,000	75,000	746,725
S - Storage	0	0	0	0	0	0	0	0	0	0	0	0
Total Development	471,310	163,139	151,948	161,000	165,544	652,788	227,268	200,322	153,903	285,500	124,914	2,757,636
Demolition Permits Issued												
A1 - Assembly	0	0	0	0	0	0	0	0	0	0	0	0
A2 - Assembly	0	0	0	0	0	0	0	0	0	0	0	0
A3 - Assembly	0	0	0	0	0	0	0	0	0	0	0	0
A4 - Assembly	0	0	0	0	0	0	0	0	0	0	0	0
A5 - Assembly	0	0	0	0	0	0	0	0	0	0	0	0
B - Office	0	0	0	0	0	0	0	0	0	0	0	0
F - Industrial	0	0	0	0	0	0	0	0	0	0	0	0
H - High Hazard	0	0	0	0	0	0	0	0	0	0	0	0
I - Institutional	0	0	0	0	0	0	0	0	0	0	0	0
M - Retail	0	0	0	0	0	0	0	0	0	0	0	0
R1 - Dormitory	0	0	0	0	0	0	0	0	0	0	0	0
S - Storage	0	0	0	0	0	0	0	0	0	0	0	0
Total Demolitions	0	0	0	0	0	0	0	0	0	0	0	0
Total Projected Net Non-Residential Growth	471,310	163,139	151,948	161,000	165,544	652,788	227,268	200,322	153,903	285,500	124,914	2,757,636

Source: West Windsor Community Development Office, Historical Trend Projection & Current Market Conditions

The projected non-residential development between 2008 and 2018 will generate an estimated new 6,608 jobs, as shown in Table NR-7. If realized, the projected non-residential development for the remainder of the Third Round cycle will require 413 affordable housing units.

TABLE NR-7 NET PROJECTED EMPLOYMENT GROWTH (BY JOBS)													
	Jobs / 1,000 sf	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
Certificates of Occupancy Issued													
A1 - Assembly	1.6	0	0	0	0	0	0	0	0	0	0	0	0
A2 - Assembly	3.2	0	0	0	0	0	8	0	0	0	32	24	64
A3 - Assembly	1.6	0	0	2	0	0	0	45	40	2	61	2	151
A4 - Assembly	3.4	0	0	0	0	0	0	0	0	0	0	0	0
A5 - Assembly	2.6	0	0	0	0	0	0	0	0	0	0	0	0
B - Office	2.8	1,320	416	402	395	281	370	386	392	373	420	80	4,834
F - Industrial	1.2	0	0	0	0	0	0	0	0	0	0	0	0
H - High Hazard	1.6	0	0	0	0	0	0	0	0	0	0	0	0
I - Institutional	2.6	0	0	0	0	0	0	0	0	0	0	0	0
M - Retail	1.7	0	25	13	34	43	34	34	31	33	21	21	289
R1 - Dormitory	1.7	0	0	0	0	68	847	70	29	0	128	128	1,269
S - Storage	1	0	0	0	0	0	0	0	0	0	0	0	0
Total New Development		1,320	441	416	429	392	1,259	535	492	408	662	255	6,608
Demolition Permits Issued													
A1 - Assembly	1.6	0	0	0	0	0	0	0	0	0	0	0	0
A2 - Assembly	3.2	0	0	0	0	0	0	0	0	0	0	0	0
A3 - Assembly	1.6	0	0	0	0	0	0	0	0	0	0	0	0
A4 - Assembly	3.4	0	0	0	0	0	0	0	0	0	0	0	0
A5 - Assembly	2.6	0	0	0	0	0	0	0	0	0	0	0	0
B - Office	2.8	0	0	0	0	0	0	0	0	0	0	0	0
F - Industrial	1.2	0	0	0	0	0	0	0	0	0	0	0	0
H - High Hazard	1.6	0	0	0	0	0	0	0	0	0	0	0	0
I - Institutional	2.6	0	0	0	0	0	0	0	0	0	0	0	0
M - Retail	1.7	0	0	0	0	0	0	0	0	0	0	0	0
R1 - Dormitory	1.7	0	0	0	0	0	0	0	0	0	0	0	0
S - Storage	1	0	0	0	0	0	0	0	0	0	0	0	0
Total Demolitions		0	0	0	0	0	0	0	0	0	0	0	0
Total Projected Net Employment Growth		1,320	441	416	429	392	1,259	535	492	408	662	255	6,608

Table NR-8 shows the total employment that is forecasted for both actual non-residential development between 2004 and 2007 and projected non-residential development between 2008 and 2018. A total of 7,172 jobs are anticipated for the Third Round cycle, which will require 448.3 affordable housing units (Table NR-9).

TABLE NR-8 TOTAL NET NON-RESIDENTIAL EMPLOYMENT GROWTH (SUM OF ACTUAL & PROJECTED GROWTH)																
	Actual				Projected											Total
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	
Total New Developments	330	170	50	16	1,320	441	416	429	392	1,259	535	492	408	662	255	7,172
Total Demolition	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Net Employment Growth	330	170	50	16	1,320	441	416	429	392	1,259	535	492	408	662	255	7,172

TABLE NR-9 AFFORDABLE HOUSING UNIT OBLIGATION GENERATED BY NON-RESIDENTIAL DEVELOPMENT																
	Actual				Projected											Total
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	
Total Net Employment Growth	330	170	50	16	1,320	441	416	429	392	1,259	535	492	408	662	255	7,172
Divided by 16	20.6	10.6	3.1	1.0	82.5	27.5	26.0	26.8	24.5	78.7	33.5	30.8	25.5	41.3	15.9	448.3

Note: Negative growth projections are not permitted. Total net growth of less than 0 is rounded up to 0.

The total projected affordable housing obligation for West Windsor is shown in Table T-1. Residential construction will require 161.2 affordable units for residential development between 2008 and 2018. Meanwhile, non-residential development will require 448.3 affordable housing units. Combined, residential and non-residential development will generate a total of 609.5 affordable housing units for West Windsor's entire Third Round growth share.

TABLE T-1 TOTAL PROJECTED AFFORDABLE HOUSING OBLIGATION	
	Total
Total Residential	161.2
Total Non-Residential	448.3
Total Obligation	609.5

Note that the projected development does not include two possible future plan components that are worth noting:

- General growth, the owner of the 657 acre Wyeth tract, presently zoned ROM-1 and located on the westerly end of the Township, has been in discussions with the Township about rezoning its site. The growth share generated by the development will be satisfied by on-site affordable housing mechanisms.
- The Township Council has approved a redevelopment area designation in the area of the Princeton Junction train station. In addition, the Council has authorized the preparation of a redevelopment plan and is in the process of creating that plan. Any redevelopment plan will include mechanisms to satisfy the growth share it generates.

If growth occurs in one or both the aforementioned areas, growth in other others of the Township would be slowed due to saturation.

V. Capacity for Fair Share

A determination of West Windsor's present and probable fair share for affordable housing, along with the capacity to accommodate those units is required by COAH. As shown in Table T-1, West Windsor will generate an estimated obligation of 614.6 affordable housing units between 2004 and 2018.

West Windsor's capacity to accommodate its present and prospective affordable housing need is determined by three components – land, water and sewer. Note that land development is limited by wetlands, flood plains, easements (conservation, sewer, water), parcel size and municipal regulations. West Windsor has land available for affordable housing on substantial tracts of vacant, developable land in three separate sections of the municipality. West Windsor has identified the Princeton Theological Seminary property (Block 7.02, Lot 1 and Block 7, Lots 58.01, 61) on Wheeler Way, Princeton Research Lands (Block 28, Lot 15) on Old Trenton Road and the Maneely site (Block 10, Lots 2, 8.01, 33) along Bear Brook Road as appropriate sites for low and moderate income housing. Developers who have expressed interest include John Gilmore representing the Princeton Theological Seminary and its partnership with private builder, Garden Communities; Archibald Reed, attorney for Princeton Research Lands, and Tim Boylan on behalf of the other owners of the Maneely site.

There are no existing structures appropriate for conversion to affordable housing at this time. As for structures suitable for rehabilitation, according to the Census and COAH, there are at least twenty-three structures in the Township. This estimated number of structures in need of rehabilitation is unrealistically high due to the recent age of most residences in the municipality and the likelihood that private rehabilitation would take care of whatever deteriorated housing that might exist due to West Windsor's attractive market assets. West Windsor intends to present a survey documenting the amount of structures suitable for rehabilitation.

Anticipated land use patterns include preserving the Township's remaining farmland and critical environmental areas, maintaining a range of residential densities, and concentrating more intense development in the Route 1 corridor. West Windsor's economic development policies include the construction of corporate office and retail activities in the Route 1 corridor. Creation of a mixed use town center in Princeton Junction is being considered. Constraints on development include the lack of sanitary sewer service in certain areas and complex policy decisions facing redevelopment in the Princeton Junction redevelopment area. The measure to address one of these constraints is the extension of sanitary sewer service for a selected affordable housing site. Water and sewer capacity is available to accommodate development for at least the next ten years.

CONTENT of FAIR SHARE PLAN

The following information is required by COAH as part of the Fair Share Plan (N.J.A.C. 5:97-3.2)

1. Description of existing credits intended to satisfy the obligation;
2. Description of any adjustments to any portion of the fair share obligation, which shall include all information and documentation required;
3. Description of mechanisms that will be used to meet the new total obligation;
4. Draft an implementation schedule that sets forth a detailed timetable for units to be provided
 - Documentation for mechanisms to address the prior round obligation, rehabilitation share and growth share obligation up to the first plan review shall be submitted at the time of petition
 - Documentation for zoning for inclusionary development, accessory apartment program, or market to affordable program shall be submitted at the time of petition and implemented within 45 days of certification;
5. If seeking vacant land adjustment or household and employment growth projection adjustment shall submit all the information required, unless:
 - Municipality demonstrates that the mechanisms do not rely upon the availability of vacant land or municipality reserves scarce resources;
6. Include draft and/or adopted ordinances necessary for implementation;
7. Demonstrate that existing zoning or planned changes provide adequate capacity to accommodate affordable housing;
8. Demonstrate existing planned water/waste water treatment capacity is sufficient to accommodate all proposed mechanisms; and
9. Draft a spending plan if the municipality maintains or intends to establish an affordable housing trust fund, which includes:
 - Projection of revenues anticipated from development fees
 - Projection of revenues from other sources
 - Description of administrative mechanism that will be used to collect and distribute revenues
 - Description of use of all affordable housing trust funds
 - Schedule for expenditure of all housing trust funds
 - Schedule for creation or rehabilitation of housing units
 - If supporting or sponsoring public sector or non-profit construction of housing, a pro-forma statement of the anticipated costs and revenues associated with the development

- Plan to spend trust fund balance as of date of its third round petition within four years of the council's approval of spending plan
- Method through which the municipality will address any expected or unexpected shortfall if revenues aren't sufficient
- Description of anticipated use of excess affordable housing trust funds.

In adopting its housing element, a municipality may provide for its fair share of low and moderate income housing by means of any technique or combination of techniques which provide a realistic opportunity for the provision of the fair share. These potential techniques include but are not limited to:

- Rehabilitation of existing substandard housing units;
- ECHO units;
- Zoning for inclusionary development;
- Redevelopment;
- Municipally-sponsored and 100% affordable developments;
- Accessory apartment program;
- Market to affordable program (formally referred to as a buy down program);
- Supportive and special needs housing;
- Assisted living residences;
- Utilization of funds generated by development fees on new construction to build affordable units;
- Other innovative strategies.

FAIR SHARE PLAN

I. Fair Share Obligation

Regional Income Limits

Dwelling units are affordable to low and moderate income households if the maximum sales price or rental cost is within their ability to pay such costs, based on a specific formula. COAH provides income limits based upon the median gross household income of the COAH housing region in which the household is located. A moderate income household is one with a gross household income equal to or more than 50%, but less than 80%, of the median gross regional household income. A low-income household is one with a gross household income equal to 50% or less of the median gross regional household income. West Windsor Township is located in Region 4, which contains Mercer, Monmouth and Ocean Counties.

Using the 2008 weighted regional income limits adopted by COAH, a four-person Region 4 median household income is estimated at \$84,566. A moderate-income four-person household could earn a maximum of \$67,653 (80% of regional median) and a four person low-income household could earn a maximum of \$42,283 (50% of regional median). Income levels for one to five person households as of 2008 are shown in the following chart.

2008 REGIONAL INCOME LIMITS FOR REGION 4 MUNICIPALITIES					
	1 person	2 person	3 person	4 person	5 person
Median	\$59,196	\$67,653	\$76,109	\$84,566	\$91,331
Moderate	\$47,357	\$54,122	\$60,888	\$67,653	\$73,065
Low	\$29,598	\$33,826	\$38,055	\$42,283	\$45,666

Source: COAH, <http://www.nj.gov/dca/coah/incomelimits.pdf>

COAH Requirements

COAH has specific requirements on unit size distribution, affordable unit sales price and rental costs, bedroom mix among other regulations which are provided in N.J.A.C. 5:80-26.1 et.seq. In each affordable development, at least 50% of the restricted units within each bedroom distribution must be low income and the remainder moderate income. For affordable developments that are not age-restricted, not more than 20% of the units may be efficiency or one-bedroom units, and at least 30% shall be two-bedroom units, and at least 20% shall be three-bedroom units. Age-restricted affordable units can provide a modified bedroom distribution.

The monthly cost of owner occupied units, which includes mortgage (principal and interest), taxes, insurance and homeowner's or condominium association fees may not exceed 28 percent of gross monthly household income. In addition, moderate-income sales units must be available for at least three different prices and low-income sales units available for at least two different prices for each bedroom type.

Under COAH regulations, rents may not exceed 30 percent of the eligible monthly income of the appropriate household size. The maximum average rent must be affordable to households earning not more than 60 percent of median income; the average rent for low and moderate income units must be affordable to households earning no more than 52% of median income. There must be rents established for each bedroom type having both low and moderate income units provided that 10 percent must be affordable to families earning no more than 35% of median income.

West Windsor's Fair Share Plan describes the projects, strategies and funding sources that the Township proposes to address its affordable housing obligation as set by COAH. The Township's Third Round Housing Element and Fair Share Plan addresses a reduced growth share obligation of 491 units instead of 861 units. This reduction is due to the exclusions the Township is permitted to subtract from its growth share obligation as per NJAC 5:97-2.4(a)1i-ii. The three components that must be addressed by this plan are contained in the table below.

WEST WINDSOR TOWSHIP: COAH OBLIGATION				
Rehabilitation	Prior Round	Housing Allocation	Employment Allocation	Growth Share
23	899	1850 ÷ 5 370	7848 ÷ 16 490.5	861

WEST WINDSOR TOWSHIP: COAH OBLIGATION WITH EXCLUSIONS				
Rehabilitation	Prior Round	Housing Allocation	Employment Allocation	Growth Share
23	899	-170 ÷ 5 0	7848 ÷ 16 490.5	491

II. West Windsor's COAH Obligation

West Windsor's Fair Share Plan describes the projects, strategies and funding sources with which the Township proposes to address its affordable housing obligation, as it has been set by COAH. The Township's Third Round Housing Element and Fair Share Plan addresses a growth share obligation of 861 units, which can then be reduced to 491 because of COAH's exclusion rule (5:97-2.4(a)1i-ii), which permits affordable units that were prior round sites receiving prior round credits and their associated market-rate units built after January 1, 2004 to be subtracted from the growth share obligation. The Township has six inclusionary sites that meet these criteria with a total of 359 affordable units and 1,661 market-rate units that can be subtracted from the growth share obligation. Therefore, the growth share obligation for West Windsor can be reduced significantly. The three components that must be addressed by this plan are:

Rehabilitation: 23 units

COAH determined West Windsor's share for rehabilitation units to be 23 homes. This number was calculated by COAH utilizing 2000 Census characteristics that included over-crowded units, older housing units built before 1939 and units with incomplete plumbing facilities or kitchen facilities.

Prior Round: 899 units

West Windsor has a Prior Round obligation of 899 units to address in this plan. There are minimum and maximum requirements regarding the development of rentals and age-restricted units for the Prior Round obligation (PRO), which are listed below:

Minimum rental requirement = $25\%(\text{PRO}) = .25(899) = 225$ (must round up for minimums)

Maximum age-restricted = $25\%(\text{PRO} + \text{Rehabilitation Share} - \text{Rehabilitation Credits} - \text{Transferred RCA Units}) = .25(899+23-15-121) = 196$

Maximum bonus credits is the same as the rental obligation.

Third Round: 861 units

West Windsor must plan for a growth share obligation of 861 units, lacking any adjustments. COAH's rules require that 50% of the growth share obligation (GSO) for West Windsor be family housing units, not restricted to any age or group. Additionally, there are other requirements regarding the development of affordable units that are listed below:

Minimum family units = $50\%(\text{GSO}) = .50(861) = 431$

Minimum rental requirement = $25\%(\text{GSO}) = .25(861) = 216$

Minimum family rental units = $.50(\text{rental requirement}) = .50(.25(861)) = 108$

Maximum age-restricted = $25\%(\text{GSO}) = .25(861) = 215$

Maximum bonus credits = $25\%(\text{GSO}) = .25(861) = 215$

One comment that West Windsor has made to COAH is that COAH should eliminate the bonus cap found at 5:97-3.20(b). COAH has not eliminated the bonus cap, but should do so. The cap punishes municipalities that have done just what COAH wanted by providing more family rental units and fewer for sale and age-restricted units and eliminates the incentive for doing so in the future because no bonus credits accrue from them given the number of bonuses they have already accrued. It also fails to recognize such municipalities' reliance on COAH rules that provided for the rental bonuses. In NJAC 5:97-3.17, COAH added a bonus for communities approving affordable housing projects when the growth share ratio was one affordable units for every eight market units recognizing that these communities' reliance upon that ratio, which has since been changed to one to four, must be taken into account. So too, COAH should respect municipalities' provision of family rentals in reliance upon the bonus credit rules and not apply a cap after the fact. Given the extraordinarily high fair share obligations being assigned by COAH and the feedback COAH received with respect to them, one would have thought that COAH would have made compliance easier rather than much more difficult. But it has made it much more difficult for West Windsor and for any other community that was providing precisely the kind of affordable housing that is needed and that COAH was encouraging, namely, family rental units. COAH should recognize and respect these efforts. At the very least, it should interpret NJAC 5:97-3.20(b) as being 25% of the total gross growth share, using COAH projections, before municipally-generated subtractions reduce the number to a net. If not enough affordable units are produced State-wide in the third round, the deficit State-wide can, and should, be carried over to the fourth round.

III. Adjustments

West Windsor will seek adjustments for its rehabilitation obligation by completing a structural conditions survey in 2009. The Township is also able to subtract inclusionary prior round sites that were built after January 1, 2004 from its growth share obligation – reducing it from 861 to 491.

IV. Existing Credits

West Windsor has a total of 955 existing credits from 100% affordable sites, inclusionary developments, group homes and an assisted living facility.

Rehabilitation Credits (15)

Currently, the Township has 15 rehabilitation credits to be applied towards its obligation. In 2001 and 2002, 15 units within the Meadow Lane Apartments complex were substantially rehabilitated. An average of \$15,000 was spent per unit and an affordability control of 10 years was placed on each unit.

Prior Round Credits (841)

West Windsor has a total of 841 existing credits to date, which address the total prior round obligation of 899. The remaining six are under construction at Renaissance (the Elements), one awaiting conversion at Espinosa and 51 are approved at Bear Creek. Details on these projects can be found under the proposed mechanisms section.

The Gables (formerly known as Presbyterian Homes)

This site, located on Route 571, was acquired by the Presbyterian Homes not-for-profit organization for the development of senior citizen low and moderate income housing. Presbyterian Homes received funding from the U.S. Department of Housing and Urban Development. All **84** units planned for the 100% affordable site were constructed in 2000 and are rented exclusively to very low-income persons. The Gables is a prior round site, whose credits are split between the prior round (58) and the third round (26).

Bear Creek

The Bear Creek senior housing project, located on Old Trenton Road, has received a series of approvals and is under construction. Overall, 136 units of affordable senior housing will be developed, 122 rental and 14 for-sale. The 75 affordable units in the Village Grande and The Hamlet, the single-family and apartment sections, have been completed, and the assisted living facility has been partially completed, with 10 affordable units constructed and 51 remaining to be built. The Hamlet contained 61 age-restricted units that were all rental units. Currently, there are **85** affordable units in place and occupied.

Avalon Watch

Formerly Steward's Watch, this rental apartment complex on Clarksville Road was credited with contributing **206** units to the Township COAH requirement. These units were completed by 1988 and were a part of an inclusionary development. This project consisted of 103 affordable family rental units and an additional 103 rental bonus credits.

Windsor Haven

The Windsor Haven development, located on Bear Brook Road, was completed in 1990. This development is an inclusionary development that provides **37** units to the Township's affordable housing obligation. These are for-sale units that are non-age-restricted – no bonuses are available.

Meadow Lane Apartments

This apartment project is located on Meadow Road. A 140 unit expansion of the existing Meadow Lane Apartments, now called Windsor Woods West, is complete. By virtue of amended approvals and settlement of litigation, 35 affordable units were provided through new construction as part of the 140 unit expansion, and 15 have been provided through substantial rehabilitation of existing units in conjunction with the construction of the Square at West Windsor, an abutting retail center. All units are rental. A total of **35** rental units were provided through the expansion excluding the 15 rehabilitated units.

Estates at Princeton Junction (Toll)

While this site was already in the Township affordable housing program with an 8 unit/acre density and 20% set aside, the court granted Toll Brothers a builder's remedy that permitted it to build conventional single-family homes as part of a 1,165 unit mixed unit development with a set aside of 15%, or 175

affordable rental units. The apartment complex, in which all of the affordable units are located, was completed in 2006. Although a prior round site, this project is being split between the prior and third round with **109** credits and **109** bonuses allocated to the prior round and 66 credits allocated to the third round.

Windsor Ponds (formerly known as Copperfield)

This 165 acre site was approved for a 370 unit townhouse development, with **39** on-site affordable townhouses, all for sale, and **20** off-site units through an RCA which the court approved. All of the affordable units were constructed by 2002. The affordables are family for-sale units. The RCAs were transferred to the City of Trenton and approved by COAH on April 14, 2001.

Walden Woods (formerly known as Bootstraps)

The approved **16** zero lot line single-family homes, all of which are affordable, were completed in 1999. The 100% affordable development is located on Bear Brook Road. All of the units are family for-sale homes.

Nassau Park Pavilion, Nassau Park expansion, Nassau Park Pavilion Phase 3 RCAs

Under the affordable housing requirements incorporated into the B-3 zone, the developers of Nassau Pavilion and of a Nassau Park outparcel have entered into developer's agreements with West Windsor to underwrite the cost of **66** units and **2** units respectively in regional contribution agreements with the City of Trenton. COAH approved the transfer to Trenton in March of 1997. In addition a **33** unit RCA with the City of Long Branch, which includes the Nassau Park Pavilion Phase 12 RCA units was approved by COAH in April of 2005. All payments have been made.

Enable (formerly United Cerebral Palsy Group Home)

The Enable facility is a group home that COAH considers an alternative living arrangement. COAH Second Round policy was to provide a two for one credit for group homes that are not restricted to the elderly. The unit of credit is the bedroom. Located on Benford Drive in West Windsor, the group home was opened on June 1, 1989. The facility was funded under the Federal McKinney Program and is deed restricted for 30 years. All five residents qualify as low-income residents. They reside in three bedrooms. They are eligible for a one for one rental bonus credit from COAH. The affordable housing credit assigned to this facility is **6** (three bedrooms plus three rental credits). This facility most likely serves

very low-income individuals; West Windsor is requesting documentation from Enable to confirm residents' income.

SERV Group Home

The SERV (Social, Educational, Residential and Vocational Service) facility is a psychiatric group home that contains three bedrooms. It is located on South Mill Road. All bedrooms are occupied by individuals who receive S.S.I. and qualify as low- or moderate-income residents. The dwelling unit was occupied by SERV in 1992, and it is deed restricted for such use by the State, which subsidizes the operation. The units are administered by SERV. As non-age restricted units, they are eligible for a one for one rental bonus credit from COAH. Therefore, the affordable housing credit assigned to this facility is **6** (three bedrooms plus three rental credits). This facility most likely serves very low-income individuals; West Windsor is requesting documentation from SERV to confirm if residents meet the very low- income parameters.

Eden Group Home

In 1997, the Eden Institute, a not-for-profit corporation that serves autistic individuals, opened Dempsey House, consisting of a group home with five bedrooms and a two-bedroom apartment for low- and moderate- individuals. Funding was supplied through the Division of Developmental Disabilities. This was not originally included in the 1997 plan because West Windsor only learned of its existence in 2003. In 2004, when West Windsor was modifying its plan, the court master recommended that this group home, as well as the Espinosa unit noted below, not be included in the amended Second Round plan for the sake of simplicity, but be added to the Third Round plan. The home is located along Village Road West and is eligible for 7 credits and 7 bonus credits – a total of **14** credits for this facility. This group home most likely serves very low-income individuals; West Windsor is requesting documentation from Eden to verify if residents meet the very low- income limits.

The Renaissance

Development approval was granted in August 2004 for Renaissance (also known as the Elements), this age-restricted development, with six on-site affordable units that are under construction and **21** credits that have been transferred via an RCA to the City of Long Branch.

Existing Prior Round Credits				
Project	Credit Type	Credit	Bonus	Total
Gables	Senior Rentals	58	0	58
Bear Creek - Village Grande	Senior For-Sale	14	-	14
Bear Creek - Hamlet	Senior Rentals	61	0	61
Avalon Watch	Family Rentals	103	103	206
Windsor Haven	Family For Sale	37	-	37
Meadow Lane Apartments	Family Rentals	35	0	35
Estates at Princeton Junction	Family Rentals	109	109	218
Windsor Ponds	Family For Sale	39	-	39
Windsor Ponds - RCA	RCA	20	-	20
Walden Woods	Family For Sale	16	-	16
Nassau Park Pavilion	RCA	80	-	80
Enable	Group Home	3	3	6
SERV	Group Home	3	3	6
Eden	Group Home	7	7	14
Bear Creek - Sr. Living	Assisted Living Facility	10		10
Renaissance	RCA	21	-	21
		616	225	841

Third Round Credits (99)

The Gables (formerly known as Presbyterian Homes)

As stated above, this site is a senior citizen affordable rental housing complex. The site is a prior round site, whose credits are split between the prior round and the third round. A total of **26** credits are being carried over and applied to the third round.

Estates at Princeton Junction (Toll)

Although a prior round site, this project is being split between the prior and third round with **66** credits carried over and allocated to the third round, along with 7 rental bonuses.

Existing Third Round Credits				
Project	Credit Type	Credit	Bonus	Total
Gables	Senior Rentals	26	0	26
Estates at Princeton Junction	Family Rentals	66	7	73
		92	7	99

III. Proposed Mechanisms

Rehabilitation Mechanisms

The Township will be completing a structural conditions survey to determine the number of homes in West Windsor that are substandard units occupied by low and moderate income households. This survey will be completed according to the implementation schedule.

Prior Round Mechanisms (58)

1. Bear Creek

The Bear Creek senior housing project, located on Old Trenton Road, has received a series of approvals and is under construction, **51** affordable units remain to be built of the total 136.

2. The Renaissance

Development approval was granted in August 2004 for this age-restricted development also known as “Elements”, with **six** on-site affordable units. Site work has begun and homes are under construction. The affordables will be age-restricted for sale units.

3. Espinosa

In 2003, the West Windsor Zoning Board entered into a settlement agreement that provided that an existing apartment located at 98 Line Road would be deed restricted as an affordable unit as part of a subdivision approval that would permit the construction of a new residence. The affordable unit will be a low-income family rental unit.

Pending/Proposed Prior Round Credits				
Project	Credit Type	Credit	Bonus	Total
Renaissance	Senior For Sale	6	0	6
Espinosa	Family Rentals	1	0	1
Bear Creek - Sr. Living	Assisted Living Facility	51	0	51
		58	0	58

Third Round Mechanisms (496)

1. Akselrad/West Windsor Gardens

Litigation over this site, which was originally included in the Township's First and Second Round Plans as a result of consent orders entered in a 1985 action, *Affordable Living Corp. v. Township of West Windsor*, has been settled through an Infrastructure Agreement that was approved by the Planning Board and Township Council in late November and early December 2004 and became effective when it was fully executed on December 28, 2004. The Agreement, among other things, governs how the site will be sewered and provides that all of the affordable units will be family rentals. The inclusionary R-4B zoning regulations apply. Akselrad is adjacent to the DiMeglio site. The applicant received an amended site plan approval for 273 market-rate units, and **69** will be affordable. Although a prior round site, the credits are being carried over to the third round obligation. The site is also eligible for rental bonuses, one the units are built, which would yield an additional **55** credits.

2. DiMeglio/Blue Ribbon Equity

Located along Clarksville Road is a 14.29 acre site known as Block 15.14, Lots 14, 15 and 34. The site is currently zoned R-4B and would produce 114 total units with an affordable set-aside of **23** affordable housing units. West Windsor Gardens has a pending development application for 113 total units. This project is a prior round site, but the credits are being carried over to the third round obligation. The affordable rental units would be eligible for a bonus credit after they are constructed and would receive **23** bonus credits.

3. Inclusionary Development: Seminary

Located on Wheeler Way at Block 7, Lot 58.01 and Block 7.02, Lots 1, 15.01 and 61 is the Princeton Theological Seminary. Currently, the site is zoned R-5A and contains a total area of 65.2 acres in the R-5A zone and another 3.25 acres in the B-2 zone. A Letter of Interpretation has been approved by the NJDEP and the site has only seven constrained areas. The R-5A zoning has a maximum density of 10 dwelling units per acre (i.e. garden apartments) with a mandatory 20% affordable housing set-aside.

This site is an existing multi-family graduate student housing project, which is scheduled by the Princeton Theological Seminary for redevelopment as part of a joint development with a private builder. Currently, there are 240 graduate student dwelling units on the site. Under their development agreement, the 240 units would be replaced plus construction of an additional 32 units for graduate housing. The builder would develop 380 additional units, which would include market and affordable

units. The 652 total units are permitted under the current R-5A district which allows a gross density of 10 dwelling units per acre. The graduate student housing is exempt from the affordable housing growth share requirement. The site is near open space amenities and services such as the D&R Canal Park and Market Fair Shopping Center and is large enough to create a sound housing environment. There are also opportunities for a separate mixed use development on Wheeler Way and Meadow Road for retail and affordable housing uses in the B-2 district on land owned by the Seminary. The proposed development program will include 380 total residential units, of which **76** will be affordable family rental apartments. This development will be eligible for **76** rental bonus credits.

4. Inclusionary Development: Maneely/PMN

The Township of West Windsor has been working with Project Freedom, a not-for-profit organization that develops and operates barrier-free housing to enable individuals with disabilities to live independently. In addition, Project Freedom provides supportive services such as recreation, training and advocacy. Project Freedom will be a part of a larger mixed-use development located on Bear Brook Road on Block 10, Lots 2, 8.01 with a total area of 49.98 acres. This parcel is currently zoned ROM-2 with the development potential of approximately 330,000 square feet of office floor area.

The development program would include Project Freedom's **75** units on 10 acres of the total site, stormwater management, neighborhood retail (40,000 square feet), corporate long-term stay hotel (220 rooms) and 51 townhouse style units and 46 apartments above the neighborhood retail stores, which will include at least **5** affordable rental units. This site will be eligible for at least **54** bonus credits when completed. Project Freedom's 75 units will most likely house very low-income households. West Windsor will request documentation from Project Freedom to verify if those households meet the very low-income requirements.

5. RO-1 Zone/PCRV

Located at Princeton Hightstown Road and Old Trenton Road is a 61 acre tract known as Block 28, Lot 15 owned by Princeton Research Lands. This site is currently zoned RO-1, but the Plan proposes to create new planned mixed-use commercial residential village (PCRV) development, which would require a 25% affordable housing set-aside with a gross density of 8 dwelling units per acre.

The overall 20 acres to be rezoned is large enough to create a mixed use village development with a retail core. The site's area outside of the wetlands area would be sufficient for this inclusionary development. The property owner's attorney represented to the Planning Board that the Board's consultant's determination of available developable land was consistent with their analysis of their property, which includes a detailed wetlands survey. There is room to provide open space recreational opportunities and sufficient buffers to the PRRC-1 zone. Site circulation can be accommodated via access from Princeton Hightstown Road and Old Trenton Road. The development program would yield an estimated 140 total units with **35** affordable units and 25,000 square feet of retail space.

6. Eden Group Home

A new group home will be created at 3 Woodhollow Road on Block 15.03, Lot 154 by Eden. Currently, Eden operates a group home in East Windsor that is being acquired by the New Jersey Turnpike Authority. Eden will purchase the home located at the aforementioned address and will renovate it to code. It plans to have the residents relocated to this site by the end of 2008. This home contains **5** bedrooms and will serve at least five low and moderate income autistic adults. The Township Council by resolution on October 27, 2008 allocated up to \$142,500 to the Eden Group Home project.

7. Municipally-Sponsored Project

If development occurs at an unexpected rate of growth and generates a larger affordable housing obligation than West Windsor or COAH expects or if the Township otherwise confronts a shortfall in the number of units to satisfy its obligation, it will acquire a site that would be utilized to address any shortfall in affordable units. In addition, development fee monies may be utilized to help purchase land and/or construct the affordable units.

8. Development Fee

Finally, the Township will update its development fee ordinance, which will impose a 2.5% equalized assessed value (EAV) fee on non-residential development and a 1.5% EAV on residential development to go into the housing trust fund. The monies generated will be used for a variety of programs including, but not limited to, 30% affordability assistance including rent subsidy, closing cost down payment, solar panels and foreclosure avoidance, administration, land acquisition for municipally-sponsored program, capital repairs on for-sale units, infrastructure repair for affordable developments, homeowner's fee subsidies and subsidies to non-profit entities building affordable units.

Pending/Proposed Third Round Credits				
Project	Credit Type	Credit	Bonus	Total
Akselrad/West Windsor Gardens	Family Rentals	69	55	124
DiMeglio/Blue Ribbon Equity	Family Rentals	23	23	46
Maneely	Family Rentals	5	0	5
Eden - New	Group Home	5	0	5
Project Freedom	Permanent Supportive Housing	75	54	129
Seminary	Family Rentals	76	76	152
RO-1/PCRV	Family Rentals	35	0	35
		288	208	496

Summary of Fair Share Plan Strategies

The Township of West Windsor was proactive in creating affordable housing opportunities within the municipality during the prior round, so much so that West Windsor created more units than required for the prior round. Therefore, a number of these credits can be carried over from the prior round obligation to address the third round obligation. The charts below show the prior round **sites** and third round **sites** in West Windsor with their respective credits.

Prior Round Sites				
Project	Credit Type	Credit	Bonus	Total
Gables	Senior Rentals	84	0	84
Bear Creek - Hamlet	Senior Rentals	61	0	61
Bear Creek - Village Grande	Senior For-Sale	14	0	14
Bear Creek - Sr. Living	Assisted Living Facility	61	0	61
Avalon Watch	Family Rentals	103	103	206
Windsor Haven	Family For Sale	37	0	37
Meadow Lane Apartments	Family Rentals	35	0	35
Estates at Princeton Junction	Family Rentals	175	116	291
Windsor Ponds	Family For Sale	39	0	39
Windsor Ponds - RCA	RCA	20	0	20
Walden Woods	Family For Sale	16	0	16
Nassau Park Pavilion	RCA	80	0	80
Akselrad/West Windsor Gardens	Family Rentals	69	55	124
DiMeglio/Blue Ribbon Equity	Family Rentals	23	23	46
Enable	Group Home	3	3	6
SERV	Group Home	3	3	6
Eden	Group Home	7	7	14
Espinosa	Family Rentals	1	0	1
Renaissance	Senior For Sale	6	0	6
Renaissance	RCA	21	0	21
TOTAL		858	310	1,168

Third Round Sites				
Project	Credit Type	Credit	Bonus	Total
Project Freedom	Permanent Supportive Housing	75	54	129
Maneely	Family Rentals	5	0	5
Seminary	Family Rentals	76	76	152
RO-1/PVRC	Family Rentals	35	0	35
Eden - New	Group Home	5	0	5
TOTAL		196	130	326

Because the municipality was proactive in its affordable housing creation, some of the second round sites' credits can be carried over and applied to the third round obligation. In addition, COAH's rules state that rental units in excess of the prior round rental obligation are eligible to satisfy the third round rental requirement. Therefore, the Gables, a portion of Bear Creek's Hamlet, Estates at Princeton Junction, West Windsor Gardens and Meadow Lane Apartments, credits, which were not utilized to address the prior round minimum rental obligation can be used towards the third round minimum rental obligation. Note that these credits are **not** used twice, they are merely allocated to the third round minimum rental obligation. As the chart on the following pages shows, West Windsor satisfies its prior round obligation with 674 credits and 225 bonuses that total 899 credits. The third round obligation will be met with 380 credits and 215 bonus credits for a total of 595 credits. Note that the bonuses are capped based on the gross obligation of 861 ($861 \times 25\% = 215$), while the third round credit total

addresses the reduced obligation of 491 after exclusions are taken as permitted by COAH's rules found at 5:97-2.4(a)1i-ii. (Refer to COAH's Worksheet A in the Appendix for further details.)

As the charts shows on the following page, West Windsor exceeds the reduced third round obligation of 491 with 595 existing and proposed credits. If unforeseen development occurs and exceeds the reduced obligation of 491 and/or the existing and proposed 595 credits as if there otherwise is a shortfall, West Windsor would acquire and/or build one or more municipally-sponsored projects with or without a partner to address any affordable housing credit shortfall.

Prior Round Credits				
Project	Credit Type	Credit	Bonus	Total
Gables	Senior Rentals	58	0	58
Bear Creek - Village Grande	Senior For-Sale	14	-	14
Bear Creek - Hamlet	Senior Rentals	61	0	61
Avalon Watch*	Family Rentals	103	103	206
Windsor Haven	Family For Sale	37	-	37.0
Meadow Lane Apartments ¹	Family Rentals	35	0	35.0
Estates at Princeton Junction*	Family Rentals	109	109	218.0
Windsor Ponds	Family For Sale	39	-	39.0
Windsor Ponds - RCA	RCA	20	-	20.0
Walden Woods	Family For Sale	16	-	16.0
Nassau Park Pavilion	RCA	80	-	80.0
Enable*	Group Home	3	3	6.0
SERV*	Group Home	3	3	6.0
Eden*	Group Home	7	7	14.0
Espinosa ¹	Family Rentals	1	0	1.0
Bear Creek - Sr. Living	Assisted Living Facility	61	0	61.0
Renaissance	RCA	21	-	21.0
Renaissance	Senior For Sale	6	-	6.0
		674	225	899

Third Round Credits				
Project	Credit Type	Credit	Bonus	Total
Gables**	Senior Rentals	84	-	84
Bear Creek - Hamlet**	Senior Rentals	18	-	18
Meadow Lane Apartments**	Family Rentals	35	-	35
Estates at Princeton Junction	Family Rentals	59	-	59
Eden - New	Group Home	5	-	5
Akselrad/West Windsor Gardens	Family Rentals	14	-	14
Minimum Rental Obligation Total		215	0	215
Project	Credit Type	Credit	Bonus	Total
Gables	Senior Rentals	26	0	26
Estates at Princeton Junction	Family Rentals	7	7	14
Akselrad/West Windsor Gardens	Family Rentals	55	55	110
DiMeglio/Blue Ribbon Equity	Family Rentals	23	23	46
Maneely ¹	Family Rentals	5	0	5
Project Freedom ¹	Permanent Supportive	75	54	129
Seminary	Family Rentals	76	76	152
RO-1/PVRC ¹	Family Rentals	35	0	35
Other Credits Total		302	215	517
Third Round Credit Total		380	215	595

*Units satisfy the minimum rental obligation

**5:97-3.4E states rental units in excess of prior round rental obligation are eligible to satisfy the third round rental requirement (but units are not counted twice)

¹ These units qualify for a bonus credit, but due to COAH's bonus caps the units cannot receive the bonus credit they are entitled to

IV. Implementation Schedule

IMPLEMENTATION SCHEDULE												
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	
Structural Conditions Survey												
Execute and Complete Survey												
Inclusionary Development: Bear Creek												
Construction												
Occupancy												
Inclusionary Development: Renaissance/Elements												
Construction												
Occupancy												
Espinosa												
Conversion												
Occupancy												
Inclusionary Development: West Windsor Gardens/Akselrad												
Development Approval												
Construction												
Occupancy												
Inclusionary Development: Blue Ribbon Equity/Demeglio												
Development Approval												
Construction												
Occupancy												
Inclusionary Development: Seminary												
Development Approval												
Construction												
Occupancy												
Inclusionary Development: Maneely												
Development Approval												
Construction												
Occupancy												
Inclusionary Development: Project Freedom												
Development Approval												
Construction												
Occupancy												
Inclusionary Development: RO-1/PCRV Zone												
Development Approval												
Construction												
Occupancy												
Eden Group Home (New)												
Site Acquisition/Building Permits												
Occupancy												
Municipally-Sponsored/100% Affordable												
Site Identified												
RFP Process/Developer Selection												
Development Approvals/Contractor Selection												
Building Permits												
Occupancy												
Development Fees												
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	

V. Spending Plan

West Windsor will amend its existing Development Fee Ordinance to reflect the new non-residential development fee rules and increase its residential development fee. This mechanism will capture funds that will be used to support the Township's affordable housing obligations. These funds will be used for the following purposes:

- Provide affordability assistance (very low-income households) – minimum 30%
 - ❖ Rent subsidy
 - ❖ Closing cost down payment
 - ❖ Solar panels
 - ❖ Homeowner's fee subsidy
- Administrative costs – not to exceed 20% of the funds
- Land acquisition for municipally-sponsored program
- Capital repairs on for-sale units
- Infrastructure repair and installation and/or amenities installation for affordable developments
- Funding subsidy to non-profit/profit entities building affordable units
- Potential rehabilitation program
- Purchase of foreclosure properties

Based upon the projected development activity, West Windsor expects to collect about \$11,101,280 from just development fees between October 2008 and December 31, 2018. This number is based on 2008 dollars and the following assumptions:

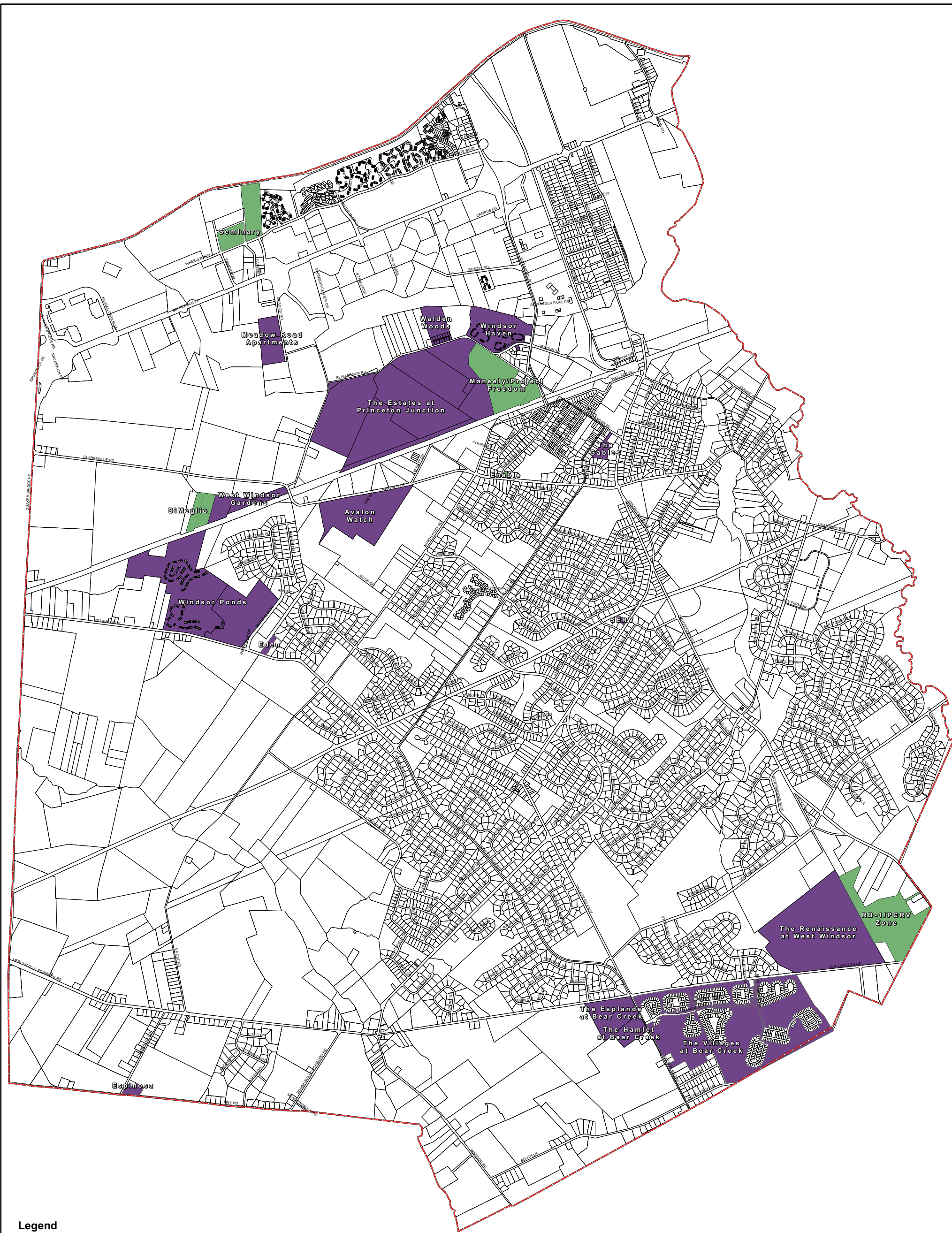
- Residential fees at 1.5% the equalized assessed value (EAV), assuming an average house value of \$560,000 from the 2000 Census
- Non-residential fees at 2.5% the EAV, based on average square footage rates in the area to project future development values, based on 2008 dollars

The following table shows the projected development fees that the development is anticipated to generate. The detailed Spending Plan is included in the Appendix.

PROJECTED NEW DEVELOPMENT FEE												
Use	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	TOTAL
Residential	\$0	\$142,800	\$67,200	\$58,800	\$58,800	\$67,200	\$0	\$0	\$0	\$0	\$0	\$394,800
A-2 Assembly	\$0	\$0	\$0	\$0	\$0	\$18,750	\$0	\$0	\$0	\$75,000	\$56,250	\$150,000
A-3 Assembly	\$0	\$0	\$5,000	\$0	\$0	\$0	\$140,755	\$125,000	\$5,000	\$190,000	\$7,500	\$473,255
B - Office	\$0	\$209,680	\$77,326	\$810,750	\$577,875	\$759,138	\$793,374	\$805,000	\$766,492	\$862,500	\$163,381	\$5,825,515
M - Retail	\$0	\$73,365	\$37,500	\$100,000	\$125,220	\$0	\$0	\$90,000	\$98,000	\$0	\$0	\$524,085
R1 - Dorms/Hotels	\$0	\$0	\$0	\$0	\$200,000	\$2,491,320	\$205,695	\$86,610	\$0	\$375,000	\$375,000	\$3,733,625
Total	\$0	\$425,845	\$187,026	\$969,550	\$961,895	\$3,336,408	\$1,139,824	\$1,106,610	\$869,492	\$1,502,500	\$602,131	\$11,101,280

APPENDIX

1. COAH Workbook A
2. Rehabilitation Documentation
3. Eden Group Home Documentation
4. Enable Group Home Documentation
5. SERV Group Home Documentation
6. Draft Affordable Housing Trust Fund Spending Plan
7. Draft Ordinance Amending the Affordable Housing Operational Provisions
8. Draft Affirmative Marketing Plan
9. Draft Ordinance Amending the PCRV District
10. Draft Ordinance Amending the PMN District

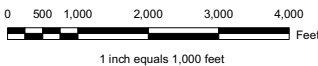


- Legend**
- West Windsor Boundary
 - Proposed Affordable Housing Sites
 - Existing Affordable Housing Sites

The images used on this map are from The New Jersey 2002 High Resolution Orthophotography Project prepared by the NJ Office of Information Technology and GIS Systems AOR. Orthophotography is dated August 12, 2002. Orthophotos were prepared with a +/- 4.0 ft. horizontal accuracy at 95% confidence level, National Standard for Spatial Data Accuracy (NSDA), for a 1.0 foot Ground Resolution Distance (GRD).

THIS MAP WAS DEVELOPED USING NJ DEP DIGITAL DATA. THIS SECONDARY PRODUCT HAS NOT BEEN VERIFIED AND IS NOT COUNTY OR STATE AUTHORIZED.

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NOVEMBER 10, 2008

EXISTING AND PROPOSED AFFORDABLE HOUSING SITES
FOR
WEST WINDSOR TOWNSHIP
MERCER COUNTY NEW JERSEY

Workbook A: Growth Share Determination Using Published Data

(Using Appendix F(2), *Allocating Growth To Municipalities*)

COAH Growth Projections

Must be used in all submissions

Municipality Name:

West Windsor

Enter the COAH generated growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated. Use these figures in the Application for Substantive Certification.

	Residential	Non-Residential
1 Enter Growth Projections From Appendix F(2) *	1,850	7,848
2 Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab	Click Here to enter Prior Round Exclusions	
built or projected to be built post 1/1/04		
Inclusionary Development	359	
Supportive/Special Needs Housing	0	
Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	0	
Assisted Living	0	
Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	1,661	
3 Subtract the following Non-Residential Exclusions (5:97-2.4(b))		
Affordable units	0	0
Associated Jobs		
4 Net Growth Projection	-170	7,848
5 Projected Growth Share (Conversion to Affordable Units Dividing Households by 5 and Jobs by 16)	0.00 Affordable Units	490.50 Affordable Units
6 Total Projected Growth Share Obligation		491 Affordable Units

* For residential growth, see Appendix F(2), Figure A.1, Housing Units by Municipality. For non-residential growth, see Appendix F(2), Figure A.2, Employment by Municipality.

Affordable and Market-Rate Units Excluded from Growth

Municipality Name:

West Windsor

Prior Round Affordable Units NOT included in Inclusionary Developments Built post 1/1/04

Development Type	Number of COs Issued and/or Projected
Supportive/Special Needs Housing	
Accessory Apartments	
Municipally Sponsored and 100% Affordable	
Assisted Living	
Other	
Total	0

Market and Affordable Units in Prior Round Inclusionary Development

Built post 1/1/04

N.J.A.C. 5:97-2.4(a)

(Enter Y for yes in Rental column if rental units resulted from N.J.A.C. 5:93-5.15(c)5 incentives)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
Estates @ Princeton Junction	Y	1,165	990	175	990
Bear Creek Sr. Living	Y	220	169	51	169
Renaissance	Y	40	34	6	34
Meadow Lane Apartments	Y	140	105	35	105
Akselrad/Demeglio	Y	455	363	92	363
Total		2,020	1,661	359	1,661

Jobs and Affordable Units Built as a result of post 1/1/04 Non-Residential Development

N.J.A.C. 5:97-2.4(b)

Development Name	Affordable Units Provided	Permitted Jobs Exclusion
		0
		0
		0
		0
Total	0	0

[Return To Workbook A Summary](#)

**WEST WINDSOR TOWNSHIP
AFFORDABLE HOUSING TRUST FUND SPENDING PLAN**

INTRODUCTION

West Windsor Township, Mercer County has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was approved by the Court in 1993 and adopted by the municipality in the autumn of 1993. The ordinance establishes the West Windsor Township affordable housing trust fund for which this spending plan is prepared.

As of July 17, 2008, West Windsor Township has collected \$4,857,528, expended \$3,235,421, resulting in a balance of \$1,622,107. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in PNC Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

West Windsor Township first petitioned COAH for substantive certification on December 16, 2005 and received prior approval to maintain an affordable housing trust fund from the Court in 1993. As of December 31, 2004, the prior round balance remaining in the affordable housing trust fund was \$1,173,719. From January 1, 2005 through July 17, 2008, West Windsor Township collected an additional \$1,677,524 in development fees, payments in lieu of construction, other funds, and/or interest. From January 1, 2005 through July 17, 2008, West Windsor Township expended \$1,266,120 funds on the affordable housing activities detailed in section 4 of this spending plan.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of third round substantive certification, West Windsor Township considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from the Maneely site, which is estimated to begin constructed in 2014, will contribute at least \$2,800,000 to the trust fund.

(c) Other funding sources:

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income and proceeds from the sale of affordable units. At the present time no other funds are anticipated to be collected.

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate. Currently, West Windsor has an interest rate of 1.25%, which has been applied to the funds anticipated to be collected during the duration of the third round.

FUNDS ANTICIPATED BY YEAR												
Source of Funds	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	TOTAL
Approved Development	\$0	\$425,845	\$182,026	\$969,550	\$325,220	\$3,250,458	\$1,111,074	\$1,106,610	\$835,742	\$1,483,750	\$565,881	\$10,256,155
Projected Development	\$0	\$0	\$5,000	\$0	\$636,675	\$85,950	\$28,750	\$0	\$33,750	\$18,750	\$36,250	\$845,125
Carnegie Center Prearranged Fees	\$0	\$240,000	\$260,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500,000
Payment In Lieu	\$0	\$0	\$0	\$0	\$0	\$0	\$1,400,000	\$1,400,000	\$0	\$0	\$0	\$2,800,000
Interest	\$0	\$8,323	\$5,588	\$12,119	\$12,024	\$41,705	\$31,748	\$31,333	\$10,869	\$18,781	\$7,527	\$180,016
TOTAL	\$0	\$674,168	\$452,614	\$981,669	\$973,919	\$3,378,113	\$2,571,571	\$2,537,943	\$880,361	\$1,521,281	\$609,657	\$14,581,296

West Windsor Township projects a total of \$14,851,296 in revenue to be collected between now and December 31, 2018 including interest. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by West Windsor Township:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with West Windsor Township's development fee ordinance for both residential and non-residential developments in accordance with COAH's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

The Administration forwards a resolution to the governing body recommending the expenditure of development fee revenues as set forth in this spending plan. The governing body reviews the request for consistency with the spending plan and adopts the recommendation by resolution.

The release of the funds requires the adoption of the governing body resolution in accordance with the COAH-approved spending plan. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7)**

If West Windsor's structural conditions survey does not reduce the municipality's rehabilitation obligation, then West Windsor will have a rehabilitation obligation of 8 units. The allocated funds may be used to bring at least 8 homes within the Township up to code if this obligation is not satisfied by new construction. In addition, funds will be contributed to Project Freedom for soft costs, including engineering and escrow costs for the planned 75 unit project on the Maneely tract. Project Freedom will be a rental apartment complex for disabled low and moderate income families. West Windsor Township will dedicate a maximum of \$450,000 to rehabilitation or new construction programs (see detailed descriptions in Fair Share Plan) as follows:

Rehabilitation program: Maximum \$200,000

New construction project(s): Maximum \$250,000

(b) **Affordability Assistance (N.J.A.C. 5:97-8.8)**

West Windsor will spend a minimum of 30 percent of its development fee revenue to render existing affordable units more affordable and one-third of that amount must be dedicated to very low-income households (i.e. households earning less than 30 percent of the regional median income).

Projected minimum affordability assistance requirement:

SPENDING PLAN CALCULATIONS SUMMARY		
Existing Balance (as of October 28, 2008)	=	\$1,623,837
Projected Development Fees (10/28/2008 - 12/31/2018)	+	\$14,401,280
Projected Interest (10/28/2008 - 12/31/2018)	+	\$180,016
TOTAL PROJECTED REVENUE	=	\$16,205,133
Affordability Assistance (minimum of 30% of above total)		\$4,861,540
<i>To very low income households (minimum 1/3 of above allotment)</i>		<i>\$1,604,308</i>
TOTAL SUBJECT TO AFFORDABILITY ASSISTANCE REQUIREMENT	=	\$4,861,540
REMAINING FUNDS FOR OTHER HOUSING ACTIVITY	=	\$11,343,593

West Windsor Township will dedicate \$4,861,540 from the affordable housing trust fund to render units more affordable, including \$1,604,308 to render units more affordable to households earning 30 percent or less of median income by region, using programs such as closing cost down-payment assistance, security deposit assistance, low interest loans, rental assistance, homeowner associates fee subsidy, solar panel installation, converting low-income units to very low-income units, etc..

(c) **Administrative Expenses (N.J.A.C. 5:97-8.9)**

West Windsor Township projects that a maximum of \$1,987,080 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

1. Consulting fees for Piazza & Associates and planning and legal fees for administration and implementation of West Windsor Township's affordable housing program(s).
2. Salaries and benefits for municipal employees for administration and implementation of the housing plan and program(s).

(d) Eden Group Home (N.J.A.C. 5:97-8.9)

West Windsor Township projects that a maximum of \$142,500 will be donated to the Eden Group Home being converted in West Windsor to a group home facility. This home will contain 5 bedrooms and serve medically fragile autistic adults.

(e) Municipally-Sponsored Project (N.J.A.C. 5:97-8.9)

West Windsor Township projects that a maximum of \$7,800,000 will be utilized for the land acquisition and/or construction and related costs of a municipally-sponsored project or projects in the event there is a shortfall in the number of credits needed to address the third round obligation.

(f) Capital Repairs on For-Sale Units (N.J.A.C. 5:97-8.9)

West Windsor Township projects that a maximum of \$750,000 will be utilized for capital repairs, such as but not limited to systems, structural and appliance repair or replacement for for-sale units because there is typically not enough equity in the unit for the homeowner to undertake such expensive projects. Additionally, this proactive program will maintain for-sale affordable units in good condition.

(g) Infrastructure/Amenities for Affordable Developments (N.J.A.C. 5:97-8.9)

West Windsor Township projects that a maximum of \$500,000 will be utilized for infrastructure and system improvements and maintenance (roads, water, sewer, drainage, etc.) and amenity maintenance and systems and installation (landscaping, playground equipment, etc.) for affordable developments.

(h) Foreclosure Properties (N.J.A.C. 5:97-8.9)

West Windsor Township projects that a maximum of \$1,000,000 will be utilized for foreclosure property purchases of market-rate units and/or affordable housing for the purpose of maintaining or implementing affordability controls when foreclosure occurs and for assisting homeowners facing foreclosure.

4. EXPENDITURE SCHEDULE

West Windsor Township intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units. Where applicable, the creation/rehabilitation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows. The chart lists the various programs and projects that West Windsor may embark on during the third round period. Each program/project is given a minimum or maximum amount that may be spent during the 11 year time frame and the years where money may be spent. West Windsor would like this flexibility so that if in the future an

opportunity arises that would be advantageous to the affordable housing program, the municipality would have the freedom to aid the opportunity with this type of flexible expenditure schedule. Additionally, this flexibility is important if the development fee funds that have been forecasted fail to occur and limit West Windsor's spending ability.

EXPENDITURE SCHEDULE BY YEAR													
Program	# Units	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
Affordability Assistance	?												Minimum \$4,861,540
Administrative Expenses	-												Maximum \$1,987,080
Rehabilitation	8												Maximum \$200,000
Eden Group Home	5												Maximum \$142,500
Project Freedom	75												Maximum \$250,000
Land Acquisition/Construction of Municipally-Sponsored Project	?												Maximum \$7,800,000
Capital Repairs on For-Sale Units	?												Maximum \$750,000
Infrastructure/Amenities for Affordable Developments	?												Maximum \$500,000
Foreclosure Properties	?												Maximum \$1,000,000
TOTAL													\$17,491,120

The Expenditure Schedule does total to more than the development fees projected because all but one of the programs are "maximum" spending amounts.

5. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of West Windsor Township has adopted a resolution agreeing to fund any shortfall of funds required for implementing Project Freedom, foreclosure of affordable properties and administrative expenses. In the event that a shortfall of anticipated revenues occurs, West Windsor Township will handle the shortfall of funds with a resolution of intent to bond.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to fund the housing activities described above.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with West Windsor's Affordable Housing Ordinance, Section 200-237G in accordance with N.J.A.C. 5:97-8.5.

SUMMARY

West Windsor Township intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the housing element and fair share plan dated November 12, 2008.

West Windsor Township has a balance of \$1,623,837 as of October 28, 2008 and anticipates an additional \$14,581,296 in revenues before the expiration of substantive certification for a total of \$16,205,133. The municipality will dedicate a minimum of \$4,861,540 towards affordability assistance to render units more affordable, a maximum of \$1,987,080 for administrative costs, a maximum of \$200,000 for rehabilitation of substandard units, a maximum of \$142,500 to the new Eden group home, a maximum of \$250,000 to Project Freedom, a maximum of \$7,800,000 to land acquisition and/or construction of municipally-sponsored project in case of a credit shortfall, a maximum of \$750,000 to capital repairs on for-sale units, a maximum of \$500,000 towards infrastructure improvements and/or amenity installation for affordable developments and a maximum of \$1,000,000 towards foreclosure property purchases/subsidies.

Any shortfall of funds will be offset by the municipality's intent to bond. The municipality will dedicate any excess funds toward the aforementioned programs.

SPENDING PLAN SUMMARY

Existing Balance (as of October 28, 2008)	=	\$1,623,837
Projected Development Fees (10/28/2008 - 12/31/2018)	+	\$14,401,280
Projected Interest (10/28/2008 - 12/31/2018)	+	\$180,016
TOTAL PROJECTED REVENUE	=	\$16,205,133
Affordability Assistance (minimum of 30% of above total)	-	\$4,861,540 minimum
Funds used for Administrative Costs (not to exceed 20%)	-	\$1,987,080 maximum
Funds used for Rehabilitation (not including administrative costs)	-	\$200,000 maximum
Eden Group Home	-	\$142,500 maximum
Project Freedom	-	\$250,000 maximum
Land Acquisition and/or Construction of Municipally-Sponsored Project	-	\$7,800,000 maximum
Capital Repairs on For-Sale Units	-	\$750,000 maximum
Infrastructure/Amenities for Affordable Developments	-	\$500,000 maximum
Foreclosure Properties	-	\$1,000,000 maximum
TOTAL PROJECTED EXPENDITURES	=	\$17,491,120
REMAINING BALANCE	=	-\$1,285,987

ORDINANCE 2008-_____

**AN ORDINANCE TO AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)**

**AN ORDINANCE AMENDING CHAPTER 200, "LAND USE," PART IV, "ZONING,"
ARTICLE XXXII, "GENERAL PROVISIONS AND SUPPLEMENTAL REGULATIONS
GOVERNING CERTAIN USES," BY MODIFYING AFFORDABLE HOUSING
OPERATIONAL PROVISIONS**

BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

Section 1. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 4, Zoning, Article XXXIII, General Provisions and Supplemental Regulations Governing Certain Uses, is Section 200-237, Application and interpretation of low/moderate-income housing provisions, is amended to read as follows:

§ 200-237 Application and interpretation of low/moderate-income housing provisions

A. Intent and purpose. This section ~~of this Code~~ sets forth regulations regarding the low- and moderate-income housing units in the Township, consistent with the ~~provisions known as the "Substantive Rules of the New Jersey Council on Affordable Housing for the period beginning June 6, 1994," N.J.A.C. 5:93-1.1 et seq., pursuant to the Fair Housing Act of 1985 and the Township's constitutional obligation to provide a fair share of affordable housing for moderate and low-income households.~~ These regulations are also intended to provide assurances that low- and moderate-income units (the affordable units) are created with controls on affordability over time and that low- and moderate-income people occupy these units. These regulations shall apply except where inconsistent with applicable law.

~~B. Proportion of low-income units for sale, rental and by number of bedrooms. Except for inclusionary developments constructed pursuant to low-income tax credit regulations:~~

- ~~(1) At least 1/2 of the for sale affordable units shall be affordable to low income households unless otherwise provided for herein.~~
- ~~(2) At least 1/2 of the rental affordable units shall be affordable to low income households unless otherwise provided for herein.~~
- ~~(3) At least 1/3 of the affordable units in each bedroom distribution shall be affordable to low income households.~~

~~C. Distribution of affordable housing units by bedroom size.~~

- (1) ~~Inclusionary developments which are not restricted to senior citizens shall be structured in conjunction with realistic market demands so that:~~
 - (a) ~~The combination of efficiency and one bedroom units is at least 10% and no greater than 20% of the total number of affordable units.~~
 - (b) ~~At least 30% of all affordable units shall be two bedroom units.~~
 - (c) ~~At least 20% of all affordable units shall be three bedroom units.~~
- (2) ~~Inclusionary developments that are restricted to senior citizens shall at a minimum have a total number of bedrooms equal to the number of senior citizen affordable units within the inclusionary development.~~

~~D. Relationship between household size and number of bedrooms in determining affordability. In conjunction with realistic market information, the following shall be used to determine maximum rents and sales prices of the affordable units:~~

- (1) ~~Efficiency units shall be affordable to one person households.~~
- (2) ~~Of the one bedroom units, 1/2 shall be affordable to one person households and the other half shall be affordable to two person households.~~
- (3) ~~Of the two bedroom units, 1/2 shall be affordable to two person households and the other half shall be affordable to three person households.~~
- (4) ~~Of the three bedroom units, 1/2 shall be affordable to four person households and the other half shall be affordable to five person households.~~

~~E. Establishing median income by household size. Median income by household size shall be established using a regional weighted average of the uncapped Section 8 income limits published by the Department of Housing and Urban Development (HUD), computed as set forth in N.J.A.C. 5:93-7.4(b).~~

~~F. Establishing rents and sales prices of affordable units.~~

- (1) ~~The maximum average rent and price of affordable units within each inclusionary development shall be affordable to households earning 57.5% of the median income. Moderate income sales units shall be available for at least three different prices and low income sales units shall be available for at least two different prices.~~
- (2) ~~For each bedroom distribution, the developer and/or municipal sponsor may establish one rent for a low income unit and one rent for a moderate income unit.~~

- (3) ~~Low and moderate income units shall utilize the same heating source as market units within the inclusionary development.~~
- (4) ~~The initial price of a low and moderate income owner occupied single family housing unit shall be established so that after a down payment of 5%, the total of the items listed as expenses in N.J.A.C. 5:93-7.4(e) does not exceed 28% of the household's eligible gross monthly income.~~

~~G. Affordable housing units: condominium or homeowners' association fees. The master deeds of inclusionary developments shall regulate condominium or homeowners' association fees or special assessments of low and moderate income purchasers at a specific percentage of those paid by market purchasers. The percentage that shall be paid by low and moderate income purchasers shall be at least 1/3 of the condominium or homeowners' association fees paid by market purchasers. The specific percentage shall be set by the West Windsor Planning Board at the time of preliminary approval and shall take into consideration, at a minimum, the square footage of the low and moderate income units in relation to the market units and private outdoor space compared to the market units. Once the percentage is determined by the Planning Board, the master deed shall contain the agreed upon percentage, and this percentage shall not be amended without prior approval of the Council on Affordable Housing. Developments that contain 100% low and moderate income units shall have condominium or homeowners' association fees that are self-supporting and sustaining.~~

~~H. Establishing gross rents. Gross rents, including an allowance for utilities, shall be established for the various size affordable units at a rate not to exceed 30% of the gross monthly income of the appropriate household size as set forth in Subsection D above. The allowance for utilities shall be consistent with the utility allowance approved by HUD for use in New Jersey.~~

~~I. Rental units: income recertification. The income of the occupants of the affordable units shall be subject to biannual recertification of incomes.~~

- (1) ~~Schedule of surcharges for household income in excess of moderate income limits.~~

- (a) ~~The following schedule of surcharges shall apply to those tenants having a household income in excess of the applicable moderate income limits as set forth by the Council on Affordable Housing:~~

Household Income	Surcharge
Between 0% and 25% over maximum	No surcharge
25% to 30% over maximum	5% of market rent for a comparable sized unit
31% to 35% over maximum	10% of market rent for a comparable sized unit
36% to 40% over maximum	15% of market rent for a comparable sized unit
41% to 45% over maximum	20% of market rent for a comparable sized unit
46% to 50% over maximum	25% of market rent for a comparable sized unit
51% and up over maximum	30% of market rent for a comparable sized unit

- (b) ~~All surcharge amounts shall be transmitted by the owner of the rental unit to the Township of West Windsor.~~

(2) ~~Schedule of surcharges for household income in excess of low income level.~~

- (a) ~~In the event that a resident of a low income unit, upon recertification, has income in excess of the applicable low income level, the following surcharges shall apply:~~

Household Income	Surcharge
Between 0% and 4% over the low income limit	No surcharge
5% to 9% over the low income limit	5% of the moderate rental rate for a similarly sized unit
10% to 15% over the low income limit	10% of the moderate for a similarly sized unit
More than 16% over the low income limit	Prevailing rental rate for moderate unit

- (b) ~~Surcharge amounts upon residents of low income units shall be retained by the owner of the rental unit.~~

J. ~~Reservation of units.~~

- (1) ~~Low income housing units shall be reserved for households with a gross household income less than or equal to 50% of the median income approved by the Council on Affordable Housing.~~
- (2) ~~Moderate income housing units shall be reserved for households with a gross household income less than 80% of the median income approved by the Council on Affordable Housing.~~

B. Definitions and rules of general applicability.

For purposes of this Section, the following definitions shall apply.

“Administrative agent” means the entity responsible for administering the affordability controls of this ordinance with respect to specific restricted units, as designated pursuant to N.J.A.C. 5:80-26.14.

“Affordability average” means an average of the percentage of median income at which restricted units in an affordable development are affordable to low- and moderate-income households.

“Affordable” means, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.) and in, but not of, the DCA.

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population where the head of the household is a minimum age of either 62 years, or 55 years and meets the provisions of the 42 U.S.C. §§3601 et

seq., except that due to death, a remaining spouse of less than 55 years of age shall be permitted to continue to reside.

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Balanced Housing” means the Neighborhood Preservation Balanced Housing Program of the DCA as set forth at N.J.S.A. 52:27D-320 and N.J.A.C. 5:43.

“Certified household” means a household that has been certified by an administrative agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing in, but not of, the DCA, established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Fair Share Round” means any one of three periods in time during which the Council established municipal obligations to provide affordable housing and the first round was from 1987-1993 and the second period was from 1993-1997 and the third is for 1999–2014.

“HAS” means the Housing Affordability Service, formerly known as the “Affordable Housing Management Service,” in the Department of Community Affairs, Division of Housing.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Median income” means the median income by household size for an applicable county, as adopted annually by COAH.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“MONI” means the Agency’s Market Oriented Neighborhood Investment Program, as it may be authorized from time to time by the Agency.

“95/5 unit” means a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93 before October 1, 2001.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary; and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value affordable to a four-person household with an income at or above 80% of the regional median as defined by the Council’s annually adopted income limits.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, but does not include a market-rate unit financed under UHORP or MONI.

“UHORP” means the Agency’s Urban Homeownership Recovery Program.

~~K.~~ C. Reoccupancy certificates. Except as otherwise provided in N.J.A.C. 5:93-9.3(d) by law, upon a resale of an affordable unit, a certificate of reoccupancy shall be required in accordance with N.J.A.C. 5:939.3(c).

~~L.~~ D. Phasing of construction. The low- and moderate-income units within each inclusionary development shall be built in accordance with the following schedule:

Minimum Percentage of Affordable Housing Units Completed Percentage of Market Housing Units Completed

	25
10	25 + one unit
50	50
75	75
100	90

~~M.~~ E. Distribution and locational criteria.

- (1) In planned residential developments to the extent reasonably attainable, the low- and moderate-income units, when compared to the market units, shall be situated so as not to be in undesirable locations and shall be accessible to the common open space, public facilities or shopping facilities (if provided).
- (2) The affordable units shall be ~~reasonably dispersed~~ integrated throughout the development ~~subject to the approval of the Planning Board~~ to the extent feasible.

~~N. Development fees. See Part 3, Subdivision and Site Plan Procedures, § 200-69 et seq., of this chapter.~~

~~O. Authority having responsibility for controls on affordability.~~

- (1) ~~Purpose. The purpose of this subsection is to create the administrative mechanisms needed for the execution of West Windsor's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.~~
- (2) ~~Establishment of Municipal Housing Liaison position and compensation; powers and duties.~~

- (a) ~~Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for West Windsor.~~
- (b) ~~Subject to the approval of the Council of Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the Township Council and may be a full or part-time municipal employee.~~
- (c) ~~The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for West Windsor, including the following responsibilities, which may not be contracted out:~~
 - ~~[1] Serving as West Windsor primary point of contact for all inquiries from the state, affordable housing providers, administrative agents, and interested households;~~
 - ~~[2] Monitoring the status of all restricted units in West Windsor's fair share plan;~~
 - ~~[3] Compiling, verifying, and submitting annual reports as required by COAH;~~
 - ~~[4] Coordinating meetings with affordable housing providers and administrative agents, as applicable;~~
 - ~~[5] Attending continuing education opportunities on affordable controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;~~
- (d) ~~Subject to approval by COAH, West Windsor may contract with or authorize a consultant, authority, government or any agency charged by the Township Council, which entity shall have the responsibility for administering the affordable housing program of West Windsor, except for those responsibilities which may not be contracted out pursuant to Subsection O(2)(c) above. If West Windsor contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and affirmative marketing plan, the Municipal Housing Liaison shall supervise the contracting administrative agent.~~
- (e) ~~Compensation. Compensation shall be fixed by the Township Council at the time of the appointment of the Municipal Housing Liaison.~~

F. Low- and moderate-income split and bedroom distribution of affordable housing units.

- (1) The fair share obligation shall be divided equally between low- and moderate-income households.
- (2) In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.

- (3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
- (a) The combined number of efficiency and one-bedroom units is no greater than 20 percent of the total low- and moderate-income units;
 - (b) At least 30 percent of all low- and moderate-income units are two bedroom units;
 - (c) At least 20 percent of all low- and moderate-income units are three bedroom units; and
 - (d) The remainder may be allocated at the discretion of the developer.
 - (e) Age-restricted low- and moderate-income units may utilize a modified bedroom distribution and at a minimum, the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the affordable development.

G. Accessible townhouse units.

- (1) The first floor of all townhouse dwelling units and of all other multistory dwelling units for which credit is sought pursuant to P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.), on or after October 1, 2006, the effective date of P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.), and for which an application for a construction permit has not been declared complete by the enforcing agency pursuant to P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and which were included in a prior round fair share plan or in a third round fair share plan and for which credit continues to be sought shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
- (2) To receive Council credit for a townhouse unit or other multistory dwelling unit that is attached to at least one other dwelling unit the township shall ensure that:
- (a) Townhouses or other multistory dwelling units that are attached to at least one other dwelling unit for which credit is sought for low or moderate income housing shall have the following features:
 - [1] An adaptable toilet and bathing facility on the first floor;
 - [2] An adaptable kitchen on the first floor;
 - [3] An accessible route of travel;

(a) An interior accessible route of travel shall not be required between stories;

[4] An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and

[5] An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the township has collected funds from the development sufficient to make 10 percent of the adaptable entrances in the development accessible;

(b) In the case of a unit or units which are constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed;

(3) The builder of the unit or units shall deposit funds, sufficient to adapt 10 percent of the affordable units in the projects which have not been constructed with accessible entrances, with the township, for deposit into the municipal affordable housing trust fund;

(4) The funds under Subsection G3 above shall be available for the use of the township for the purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance;

(5) The developer of the affordable project subject to P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) shall submit the design with a cost estimate for conversion to Construction Code Official; and

(6) Once the Construction Code Official has determined that the plans to adapt the entrances of the townhouse or other multistory unit meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, the Construction Code Official shall ensure that the funds are deposited into that fund.

(7) Full compliance with this section shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

H. Maximum rents and sales prices.

- (1) The Township hereby establishes that the maximum rent for affordable units within each affordable development shall be affordable to households earning no more than 60 percent of median income and the average rent for low-and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
- (2) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 10 percent of all low- and moderate-income units shall be affordable to households earning no more than 35 percent of median income.
- (3) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income and each affordable development must achieve an affordability average of 55 percent for restricted ownership units and in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.

I. Utilities

- (1) Affordable units shall utilize the same type of heating source as market units within the affordable development.
- (2) Those tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

J. Occupancy standards

Occupancy standards for affordable housing units are pursuant to N.J.A.C. 5:80-26.4:

- (1) In determining the initial rents and initial sales prices for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - (a) A studio shall be affordable to a one person household;
 - (b) A one bedroom unit shall be affordable to a one and one-half person household;
 - (c) A two bedroom unit shall be affordable to a three person household;
 - (d) A three bedroom unit shall be affordable to a four and one-half person household; and

- (e) A four bedroom unit shall be affordable to a six person household.
- (2) For assisted living facilities, the following standards shall be used:
 - (a) A studio shall be affordable to a one person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half person household;
 - (c) A two-bedroom unit shall be affordable to a two person household or to two one-person households.
- (3) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the administrative agent shall strive to:
 - (a) Provide an occupant for each unit bedroom;
 - (b) Provide different sexes with separate bedrooms; and
 - (c) Prevent more than two persons from occupying a single bedroom.

K. Control periods for ownership units and enforcement mechanisms

Control periods for ownership units are pursuant to N.J.A.C. 5:80-26.5, and each restricted ownership unit shall remain subject to the requirements of this ordinance until the township elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1 and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1 for at least 30 years.

- (1) At the time of the first sale of the unit, the purchaser shall execute and deliver to the administrative agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- (2) All conveyances of restricted ownership units shall be made by deeds and restrictive covenants pursuant to N.J.A.C. 5:80-26.1 and each purchaser of a 95/5 unit, in addition, shall execute a note and mortgage, incorporated herein by reference.

- (3) The affordability controls set forth in this ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- (4) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the municipal building inspector stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a).

L. Price restrictions for ownership units, homeowner association fees, and resale prices

Price restrictions for ownership units are pursuant to N.J.A.C. 5:80-26.1, including:

- (1) The initial purchase price for a restricted ownership unit shall be approved by the administrative agent. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying costs of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of an appropriate household size as determined under N.J.A.C. 5:80-26.4; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3.
- (2) The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- (3) The master deeds of affordable developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers, although condominium units subject to a municipal ordinance adopted before October 1, 2001, which provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection shall have such fees and assessments governed by said ordinance.
- (4) The owners of ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom.

M. Buyer income eligibility

- (1) Buyer income eligibility for ownership units is pursuant to N.J.A.C. 5:80-26.1, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and

moderate income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.

- (2) The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees as applicable) does not exceed 33 percent of the household's eligible monthly income.

~~P.N. Time period of controls:~~ Control period for rental units.

- (1) ~~Newly constructed low and moderate income rental units shall remain affordable to low and moderate income households for a period of 30 years.~~ Each restricted rental unit shall remain subject to the requirements of this ordinance until the township elects to release the unit from such requirements. However, prior to such a municipal election, a restricted rental unit must remain subject to the requirements of this ordinance for a period of at least 30 years.

(a) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property and the deed restriction shall be filed by the developer or seller with the Mercer County recording office, and a copy of the filed document shall be provided to the administrative agent within 30 days of the receipt of a certificate of occupancy.

(b) A restricted rental unit shall remain subject to the affordability controls of this ordinance, despite the occurrence of any of the following events:

[1] sublease or assignment of the lease of the unit;

[2] sale or other voluntary transfer of the ownership of the unit; or

[3] the entry and enforcement of any judgment of foreclosure.

- (2) The period of affordability controls for rental units constructed prior to the effective date of this ordinance and for which the control period is thirty years may be extended beyond the thirty-year period by the Planning Board

~~(2) Newly constructed low and moderate income for sale units shall remain affordable to low and moderate income households for a period of 30 years.~~

O. Price restrictions for rental units and rent increases; leases

The initial rent for a restricted rental unit shall be approved by the administrative agent and shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3.

- (1) Rents may be increased annually based on the Housing Consumer Price Index for the United States, as published annually by COAH. Rents may not be increased more than once a year.
- (2) A written lease is required for all restricted rental units, except for units in an assisted living residence, and tenants are responsible for security deposits and the full amount of the rent as stated on the lease.
- (3) No additional fees or charges may be added to the approved rent (except, in the case of units in an assisted living residence, for the customary charges for food and services) without the express written approval of the administrative agent and application fees (including the charge for any credit check) may not exceed five percent of the monthly rental of the applicable restricted unit and shall be payable to the administrative agent to be applied to the costs of administering the controls in this ordinance as applicable to the unit.

P. Tenant income eligibility pursuant to N.J.A.C. 5:80-26.1.

Pursuant to N.J.A.C. 5:80-26.13, tenant income eligibility shall be determined as follows:

- (1) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income. Moderate income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- (2) The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - (a) The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent and the proposed rent will reduce its housing costs;
 - (b) The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

- (c) The household is currently in substandard or overcrowded living conditions;
 - (d) The household documents the existence of assets, with which the household proposes to supplement the rent payments; or
 - (e) The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the administrative agent and the owner of the unit.
- (3) The applicant shall file documentation sufficient to establish the existence of the circumstances in (b) above with the administrative agent, who shall counsel the household on budgeting.

Q. Municipal Housing Liaison

- (1) COAH requires the township to appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering its affordable housing program, including affordability controls and the Affirmative Marketing Plan, and, where applicable, supervising any contracting Administrative Agent. The township adopted an ordinance on October 15, 2007 creating the position of Municipal Housing Liaison. West Windsor Township adopted a resolution on November 13, 2007 appointing a Municipal Housing Liaison. Subject to the approval of COAH, the Municipal Housing Liaison shall be appointed by the Governing Body and may be a full or part time municipal employee.
- (2) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the township including the following responsibilities which may not be contracted out, exclusive of item (f) which may be contracted out:
 - (a) Serving as the township's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
 - (b) Monitoring the status of all restricted units in the township's Fair Share Plan;
 - (c) Compiling, verifying, and submitting annual reports as required by COAH;
 - (d) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;

- (e) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 - (f) If applicable, serving as the Administrative Agent for some or all of the restricted units in the township as described in R. below.
- (3) Subject to approval by COAH, the township may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of the township except for those responsibilities which may not be contracted out as described above. If the township contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.

R. Administrative agent for the township's affordable housing units

The affordability controls set forth in this ordinance shall be administered and enforced by the administrative agent. The primary responsibility of the administrative agent shall be to ensure that the restricted units under administration are sold or rented, as applicable, only to low and moderate-income households. The township has adopted from year to year resolutions authorizing contracts with Piazza & Associates for the administration of the affordable units in its Fair Share Plan.

- (a) The administrative agent shall create and shall publish in plain English, and in such other languages as may be appropriate to serving its client base, a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls, including procedures for long-term control of restricted units; for enforcing the covenants of N.J.A.C. 5:80-26.18 and for releasing restricted units promptly at the conclusion of applicable control periods. The administrative agent shall have authority to take all actions necessary and appropriate to carrying out its responsibilities hereunder. The operating manual shall have a separate and distinct chapter or section setting forth the process for identifying applicant households seeking certification to restricted units, for reviewing applicant household eligibility, and for certifying applicant households in accordance with the household certification and referral requirements set forth in N.J.A.C. 5:80-26.16
- (b) The administrative agent shall establish and maintain a ready database of applicant households as a referral source for certifications to restricted units, and shall establish written procedures to ensure that selection among applicant households be via the database, and in accordance with a

uniformly applied random selection process and all applicable State and Federal laws relating to the confidentiality of applicant records.

- (c) The municipality in which restricted units are located shall select one or more administrative agents for those units. A municipality itself (through a designated municipal employee, department, board, agency or committee) may elect to serve as the administrative agent for some or all restricted units in the municipality, or the municipality may select HAS or an experienced private entity approved by the Division, the Agency or COAH to serve as administrative agent for some or all restricted units in the municipality. The foregoing approval by COAH or the Division is to be based on the private entity's demonstration of the ability to provide a continuing administrative responsibility for the length of the control period for the restricted units.
- (d) The administrative agent shall have the authority to discharge and release any or all instruments, as set forth in the Appendices of this ordinance, filed of record to establish affordability controls.

S. Affirmative marketing

The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in which the municipality is located and covers the period of deed restriction.

- (1) The administrative agent shall assure the affirmative marketing of affordable units.
- (2) If the municipality does not designate a municipal staff person, it shall contract with other experienced administrative agents approved by COAH to administer the affirmative marketing plan. Where a municipality contracts with another administrative agent to administer the affirmative marketing plan, the municipality shall appoint a municipal housing liaison who shall supervise the contracting administrative agent. In addition, where the contracting administrative agent is not responsible for the entire affirmative marketing plan, the municipality shall outline who or what municipal agent is responsible for the remaining portion of the affirmative marketing plan. The municipality has the ultimate responsibility for the proper administration of the affirmative marketing program, including initial sales and rentals and resales and rerentals.

- (3) In implementing the affirmative marketing plan, administrative agents shall designate an experienced staff person approved by COAH to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (4) The affirmative marketing plan shall describe the media to be used in advertising and publicizing the availability of housing. In developing the plan, the administrative agent shall consider the use of language translations.
- (5) The affirmative marketing process for available affordable units shall begin at least four months prior to expected occupancy.
- (6) Applications for affordable housing shall be available in several locations, including, at a minimum, the county administrative building and/or the county library for each county within the housing region; the municipal administrative building(s) and the municipal library in the municipality in which the units are located; and the developer's sales office. Applications shall be mailed to prospective applicants upon request.
- (7) COAH shall review and assess the effectiveness of the township's affirmative marketing program.

T. Household certification and referral; related project information

No household may be referred to a restricted unit, or may receive a commitment with respect to a restricted unit, unless that household has received a signed and dated certification and has executed a certificate.

- (1) The sources of income considered by the administrative agent shall be the types of regular income reported to the Internal Revenue Service and which can be used for mortgage loan approval.
- (2) If the applicant household owns a primary residence with no mortgage on the property valued at or above the regional asset limit as published annually by COAH, a certificate of eligibility shall be denied unless the applicant's existing monthly housing costs exceed 38 percent of the household's eligible monthly income.
- (3) The administrative agent shall employ a random selection process when referring households for certification to affordable units.

U. Enforcement of affordable housing regulations

- (1) By submitting to the jurisdiction of COAH, a municipality shall be deemed to have delegated to its administrative agent the day-to-day responsibility for

implementing practices and procedures designed to ensure effective compliance with the controls set forth in this ordinance. The municipality, however, shall retain the ultimate responsibility for ensuring effective compliance with this ordinance.

(2) Administrative agent practices and procedures shall include, but shall not necessarily be limited to, the following:

- (a) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the administrative agent. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates.
- (b) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent can be made.
- (c) If the unit is owner-occupied, that the unit may be resold only to a household that has been approved in advance and in writing by the administrative agent.
- (d) That no sale of the unit shall be lawful, unless approved in advance and in writing by the administrative agent, and that no sale shall be for a consideration greater than regulated maximum permitted resale price, as determined by the administrative agent.
- (e) That no refinancing, equity loan, secured letter of credit, or any other mortgage obligation or other debt secured by the unit may be incurred except as approved in advance and in writing by the administrative agent, and that at no time will the administrative agent approve any debt, if incurring the debt would make the total of all such debt exceed 95 percent of the then applicable maximum permitted resale price.
- (f) That the owner of the unit shall at all times maintain the unit as his or her principal place of residence, which shall be defined as residing at the unit at least 260 days out of each calendar year.
- (g) That, except as set forth in N.J.A.C. 5:80-26.18(c)4vii, at no time shall the owner of the unit lease or rent the unit to any person or persons, except on a short-term hardship basis, as approved in advance and in writing by the administrative agent.

- (h) That the maximum permitted rent chargeable to affordable tenants is as stated in the notice required to be posted in accordance with N.J.A.C. 5:80-26.18(d)3 of this ordinance, a copy of which shall be enclosed, and that copies of all leases for affordable rental units must be submitted annually to the administrative agent.
- (i) Banks and other lending institutions are prohibited from issuing any loan secured by owner-occupied real property subject to the affordability controls set forth in this ordinance, if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located.

V. Appeals

Appeals from all decisions of an administrative agent appointed pursuant to this ordinance shall be filed in writing with the Executive Director of COAH.

W. Payments in lieu of constructing affordable units

The amount of payments in lieu of constructing affordable units, which a developer at its option may pay in such districts in which such option is specified, is \$152,227.00 per unit.

Q. ~~X.~~ Residency preference.

For newly constructed units, there shall be an occupancy preference for low- and moderate-income households who reside or work in the counties of Mercer, Monmouth and Ocean ~~or who are employed by the West Windsor-Plainsboro Regional School District.~~

~~R.~~ Y. Family and senior citizen housing.

Unless otherwise provided in this Part 4, no low- or moderate-income unit shall be age-restricted unless the Planning Board permits units to be reserved for senior citizens based on the need therefor, the Township's housing stock, the location of the project, the nature of the market units and other appropriate factors.

Section 2. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law or an override of a mayoral vote by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

INTRODUCTION:
PUBLIC HEARING:
ADOPTION:
MAYORAL APPROVAL:
EFFECTIVE DATE:

COAH Fair Share Ordinance October 2008 from Patty.doc

WEST WINDSOR AFFIRMATIVE MARKETING PLAN

- A. Purpose. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of sex, age or number of children, to housing units which are being marketed by a developer/sponsor, municipality and/or designated administrative agency of affordable housing. The Township's plan will address the requirements of N.J.A.C. 5:80-26.15. In addition, the plan prohibits discrimination in the sale, rental, financing or other services related to housing on the basis of race, color, sex, religion, disability, age, familial status/size, sexual orientation or national origin.
- B. Affirmative marketing plan. The Township of West Windsor is in the housing region consisting of Mercer, Monmouth and Ocean Counties. The affirmative marketing program is a continuing program and will meet the following requirements:
- (1) Advertising and posting information.
 - (a) All newspaper articles, announcements and requests for applications for low- and moderate-income units will appear in the following daily and/or weekly regional newspapers/publications:
 - i. Trenton Times
 - ii. West Windsor – Plainsboro News
 - (b) At least one advertisement broadcast to the entire housing region:
 - i. WFNY-FM 92.3
 - (c) All newspaper articles, announcements and requests for applications for low and moderate income housing will appear in the following neighborhood-oriented medium. In addition, local religious publications, organizational newsletters or employers within the region will also be requested to assist in the effort on an “as needed” basis.
 - i. Township website
- C. The primary marketing will take the form of at least one press release sent to the above publications and a paid display advertisement in each of the above newspapers. Additional advertising and publicity will be on an “as needed” basis.

(1) The advertisement will include a description of the:

- i. Street address of units;
- ii. Direction to housing units;
- iii. Number of bedrooms per unit;
- iv. Range of prices/rents;
- v. Size of units;
- vi. Income information; and
- vii. Location of applications including business hours and where/how applications may be obtained.

D. The following is the location of where applications, brochure(s), signs(s) and/or poster(s) used as part of the affirmative marketing program including specific employment centers within the region of Mercer, Monmouth and Ocean will be displayed:

- (1) West Windsor Municipal Building
- (2) Mercer County Library Headquarters
- (3) Developer's sales office

E. Mailing applications. Applications will be mailed to prospective applicants upon request.

F. Selection process. The Township, through an agent to be appointed ("the township's housing agent"), shall be responsible for implementing and conducting the selection process that will be used to select occupants of the low- and moderate-income housing. Following is a description of the random selection method that will be used to select occupants of low- and moderate-income housing.

- (1) After advertising is implemented, applications are accepted for 60 days.
- (2) All applications are reviewed and households are either certified or informed of non-eligibility. (The certification is valid for 180 days and may be renewed upon updating income verification information.)
- (3) Eligible households are placed in applicant pools based upon the number of bedrooms needed.
- (4) When a unit is available only the certified household in need of that type of unit are selected for a lottery.
- (5) Households are informed of date, time and location of the lottery and invited to attend.
- (6) After the lottery is concluded, the first household selected is given 10 days to express interest or disinterest in the unit. (If the first household does not accept the unit the process continues until a certified household selects the unit.)

- G. The Township is ultimately responsible for administering the affirmative marketing program. The Township's housing agent, in administering the affirmative marketing program, shall have the responsibility to:
- (1) Income qualify low- and moderate-income households as per COAH's procedure for income eligibility certification.
 - (2) Provide for the initial occupancy of low- and moderate-income units with income qualified households through the aforementioned lottery process;
 - (3) Continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls;
 - (4) Assist with advertising and outreach to low- and moderate-income households; and
 - (5) Enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26.1 et seq.
- H. The Township's housing agent will also coordinate and provide linkage to low- and moderate-income applicants to receive counseling on subjects such as budgeting, credit issues, mortgage qualification, responsibilities of homeownership, rental lease requirements, and landlord/tenant law. The superintendent of planning within the Township is the designated housing officer to act as liaison to the responsible developer(s) and the Township's housing agent.
- I. Households who live or work in the COAH-established housing region may be given preference for sales and rental units constructed within that housing region.
- J. Applicants living outside the housing region will have an equal opportunity for units after regional applicants have been initially serviced. The Township of West Windsor intends to comply with all UHAC regulations, N.J.A.C. 5:80-26.1 et. seq.; and
- K. All developers of low- and moderate-income housing units will be required to assist the Township's housing agent in the marketing of the affordable units in their respective developments.
- L. Commencement of marketing plan. The marketing program will commence at least 120-days before the issuance of either temporary or permanent certificates of occupancy. The marketing program will continue until all low- and moderate-income housing units are initially occupied and for as long as affordable units are deed restricted and occupancy or re-occupancy of units continue to be necessary; and Reporting requirements. The responsible developer(s) will assist the Township's housing agent in complying with monitoring and reporting requirements as per N.J.A.C. 5:96-11.

ORDINANCE 2008-__

**AN ORDINANCE TO AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WEST WINDSOR
(1999), CHAPTER 200, "LAND USE," PART 4, "ZONING," ARTICLE XXVI, "TITLES
PURPOSES, ESTABLISHMENT OF DISTRICTS; GENERAL CONDITIONS," and
ARTICLE XXIX, "USE AND BULK REGULATIONS FOR RESIDENCE DISTRICTS,"
BY ESTABLISHING A NEW PCRV ZONE DISTRICT**

BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

Section 1. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 4, Zoning, Article XXVI, Titles, Purposes, Establishment of Districts; General Conditions, Section 200-124, Establishment of zoning districts, is amended to read as follows:

§ 200-142. Establishment of zoning districts.

The Township of West Windsor is hereby divided into the following zoning districts, differentiated according to use, area and bulk requirements, to be designated as follows:

RR/C	Residence	Rural residential/conservation
R-1/C	Residence	Low-density residential/conservation
R-2	Residence	Low-density residential
R-30	Residence	Low-density residential
R-30A	Residence	Low-density residential
R-30B	Residence	Low-density residential
R-30C	Residence	Low-density residential
R-30D	Residence	Low-density residential
R-24	Residence	Low/medium density residential
R-20	Residence	Low/medium density residential
R-20A	Residence	Low/medium density residential
R-20B	Residence	Low/medium density residential
R-3	Residence	Low/medium density residential
R-3A	Residence	Affordable housing
R-3.5	Residence	Medium-density residential
R-4	Residence	Medium-density residential
R-4A	Residence	Affordable housing
R-4B	Residence	Affordable housing
R-5	Residence	High-density residential
R-5A	Residence	High-density residential
R-5B	Residence	Affordable housing
PRN-1	Residence	Planned residential neighborhood

PRRC	Planned Residential Retirement Community	Retirement community/affordable housing
PRRC-1	Planned Residential Retirement Community	Retirement community/affordable housing
PMN	Residence/business	Planned mixed use neighborhood/affordable
PCRV	Residence/business	Planned mixed use commercial residential village
R-1/O	Residence	Residence office
B-1	Business	Limited convenience center
B-2	Business	Neighborhood center business
B-3	Business	Retail node
B-4	Business	Plan retail village center
P	Business	Professional office
P-1	Planned Village Center	Small-scale village center
P-3	Business	Professional office residential
PJ	Princeton Junction Overlay	Business, professional office
ROM-1	Industrial	Research, office, limited manufacturing
ROM-2	Industrial	Research, office, limited manufacturing
ROM-3	Industrial	Research, office, limited manufacturing
ROM-4	Industrial	Research, office, limited manufacturing
ROM-5	Industrial	Research, office, limited manufacturing
R&D	Industrial	Research and development
ROR	Industrial	Research, office, recreation
RO	Industrial	Research, office
RO-1	Industrial	Research, office
E	Educational	
EH	Residence	Elderly housing

Section 2. Part 4 of said Code (1999), Zoning, Article XXVI, Titles, Purposes, Establishment of Districts: General Conditions, Section 200-143, Zoning Map, is amended to read as follows.

The boundaries of said zoning districts are hereby established as shown on the Zoning Map, Township of West Windsor, dated _____, 2006, and revised through _____, 2006 which, with all explanatory matter thereon, is hereby adopted and made a part of this Part 4. An official copy of said Map, indicating the latest amendments, shall be kept up-to-date in the office of the Construction Official for the use and benefit of the public and shall have the most current revision date shown thereon. The Zoning Map shall be the official reference as to the current zoning classification of land within the boundaries of the Township of West Windsor.

Section 3. Part 4 of said Code, Zoning, Article XXIX, Use and Bulk Regulations for Residence Districts, is amended by adding NEW Section 200-194.3 as follows:

200-194.3 Planned Mixed Use Commercial Residential Village

- A. Purpose. The Planned Mixed Use Commercial Residential Village (PCRv) District is intended to provide for a village style center convenient to the evolving residential neighborhood along Old Trenton Road. It is intended to be pedestrian and bicycle-friendly by permitting a compact mix of modest sized stores, personal and professional services, market rate and affordable residential dwelling units, and open space.
- B. Planned Comprehensive Development, Development Application Requirements and Required Uses. Any development application in the PCRv District shall be submitted as a planned development, in the nature of a preliminary site plan application, for the entire district. Such application shall describe any phasing of the proposal, together with any on-site and off-tract improvements needed to support such phases. The application for preliminary site plan approval may also include a request for final approvals with respect to such phase or phases.

The following shall apply:

- (1) A Planned Mixed Use Commercial Residential Village (PCRv) development shall be subject to the requirements of this district and to the mandatory findings for a planned development as required by the Municipal Land Use Law, N.J.S.A. 40:55D-45.
- (2) Minimum/maximum tract area for a PCRv use is 20 acres.
- (3) An affordable housing setaside of 25% of total housing units and a minimum of 35 affordable residential dwelling units shall be set aside in the PCRv development for low and moderate income households.
- (4) A maximum of 25,000 square feet of nonresidential floor area shall be devoted to neighborhood retail commercial goods and services and professional offices.
- (5) A maximum of 140 residential units, market and affordable, at a gross density not to exceed 8 dwelling units per acre.

C. Principal Permitted Uses. In the PCRV District, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses:

- (1) Neighborhood retail uses providing for the sale of goods and services, not exceeding 25,000 square feet of floor area, including but not limited to convenience food stores, pharmacies, restaurants (excluding curb service establishments and drive-through facilities), cafes, luncheonettes, and delicatessens, indoor recreation facilities, including instructional studios and fitness centers, repair and servicing, indoors only, of any article for sale which is permitted in this district, attended laundry and retail dry-cleaning services (not including bulk processing and, in the case of dry-cleaning establishments, not providing for the storage of more than five gallons of flammable or toxic cleaning fluid on the premises), book, newspaper, periodical and stationary stores and copy centers, parcel package shipping store or mailing center, museums, art galleries and other cultural facilities of a similar nature, and personal services establishments (e.g. barber or beauty salon).
- (2) Professional offices (e.g., physicians, lawyers and architects); small commercial offices (e.g., realtors and travel agencies); small governmental offices (e.g., post office branch and Social Security); and offices incidental to uses permitted in this section.
- (3) Townhouses, duplexes, multifamily dwellings, and apartments over retail dwelling units not exceeding 140 total units. Such units shall be subject to a 25 percent low and moderate income housing set aside. The number of market priced townhouses shall not exceed 55 dwelling units.
- (4) Affordable housing meeting all standards of the Council on Affordable Housing.

D. Permitted Accessory Uses.

- (1) Recreational and/or open space facilities, including, but not limited to, walkways, courtyards and plazas.
- (2) Off-street parking and loading located to the rear of the principal use it services.
- (3) Signs.
- (4) Street furniture, planters and trash receptacles.
- (5) Sidewalk cafes associated with permitted restaurants.

- (6) Fences and walls, which shall complement the architectural style, type and design of the building and the overall project design. All fences and walls shall be constructed when the development is constructed.
- (7) Decks, patios and terraces, which shall complement the architectural style, type and design of the building and the overall project design. All fences and walls shall be constructed when the development is constructed.
- E. Minimum Tract Size. The minimum tract area shall be Planned Mixed Use Commercial Residential Village District.
- F. Setbacks from Existing Public Roads and Internal Streets. Mixed use and commercial buildings shall be set back a minimum of thirty five feet from the right-of-way of Old Trenton Road and fifteen feet from any internal street.
- G. Maximum Improvement Coverage for District. The maximum improvement coverage for the Planned Mixed Use Commercial Residential Village District shall be 60% for the district.
- H. Greenbelt Preservation. No development other than storm water retention facilities shall be permitted in the Greenbelt as depicted in the Conservation Plan Element of the Master Plan. The facilities shall be designed so as to minimize their impact on the Greenbelt.
- I. Maximum Building Height. The maximum building height shall be three stories or forty feet, whichever is less, except as provided for in Sub-section M(3)(e).
- J. Affordable Housing. Twenty five percent of the residential component or a minimum 35 dwelling units shall be low and moderate income housing meeting all COAH requirements. Affordable housing units shall be located throughout the development.
- K. Public Activity Area. The Planned Mixed Use Commercial Residential Village development shall contain a centrally located public space with a minimum area of 10,000 square feet which shall be designed as a public activity focus for the development. Design elements, which may include patterns in the pavement, a fountain, gazebo, sculpture, bollards, sitting areas and landscaping, shall be incorporated into this public space.
- L. Area, Bulk and Other Regulations for Residential Uses

(1) Residential

(a) Townhouse dwellings

[1] Lot area: minimum of 2,400 square feet per dwelling unit, maximum of 3,500 square feet per dwelling unit.

- [2] Lot width: at front yard setback line, minimum of 24 feet per dwelling unit, maximum of 32 feet per dwelling unit.
- [3] Minimum lot depth: 110 feet
- [4] Yard dimensions:
 - [a] Build-to line: 15 feet
 - [b] Front yard: minimum of fifteen feet, maximum of 20 feet
 - [c] Side Yard (each end of row): minimum of eight feet, maximum of fifteen feet.
 - [d] Rear Yard: minimum of 25 feet, except that there need not be a setback for the garage.
- [5] First finished floor level must be a minimum of two feet above sidewalk grade.
- [6] Maximum building height: 40 feet, or three stories, whichever is less.
- [7] Maximum impervious surface: 70 percent
- [8] Maximum building size: seven dwelling units in a row
- [9] Rear yard garage and alley required

(b) Multi-family dwellings

- [1] Lot Area: minimum of 20,000 square feet per building
- [2] Lot width
- At front yard setback line: minimum of 160 feet per building
- [3] Minimum lot depth: 125 feet
- [4] Yard dimensions
 - [a] Build-to line: fifteen feet
 - [b] Front yard: minimum of ten feet, maximum of 20 feet
 - [c] Side yard (one side): minimum of eight feet, maximum of 25 feet
 - [d] Rear yard: minimum of 32 feet

- [5] First finished floor level must be a minimum of two feet above sidewalk grade, provided handicapped access is provided.
- [6] Maximum building height: 40 feet, or three stories, whichever is less
- [7] Maximum impervious coverage: 80 percent
- [8] Rear yard parking and alley or screened side yard parking required.
- [9] Maximum 10 units per building
- [10] Minimum of 10 car garage spaces per building or 1 enclosed car garage space per dwelling unit.

M. Area Bulk and Other Regulations for Commercial Uses and Mixed-Use Buildings

(1) Maximum retail or commercial floor area: 25,000 square feet

(2) Yard dimensions

- (a) Build-to line: 15 feet from curb on internal streets
- (b) Side yard (each side): minimum of zero feet, if attached to an adjacent building, or a minimum of five feet if not attached to an adjacent building; maximum of 20 feet.
- (c) Minimum building setback to Old Trenton Road: 35 feet
- (d) Minimum building setback to parking: 20 feet

(3) Area, bulk and other regulations

- (a) The majority of the building must be at the build-to line, but at least 15 percent of the façade may be set back a minimum of ten feet therefrom to create one or more alcoves enclosed on three sides. Outdoor dining and arcades are permitted within such alcove areas.
- (b) There shall be an overhand or arcade along all front facades.
- (c) Building overhangs, including canopies and balconies, can project up to five feet over the build-to line.

- (d) Retail or other commercial uses are required on the first floor. Market and affordable residential units are permitted only on the second or third floors.
- (e) The maximum building height shall be three stories or 40 feet whichever is less, except that up to 15 percent of the façade may be at a height of four stories or 50 feet, whichever is less. Inhabitable space shall be on fourth floors. Fourth floors shall be used for mechanicals or for lofts serving second or third floors of residential units.
- (f) All off-street parking must be in side or rear yards with the exception of on-street parking on internal roads. Alleys are recommended.
- (g) Minimum 35 foot tract perimeter buffer.
- (h) Minimum 50 foot buffer to interior residential uses.
- (i) A PRVC development shall comply with the off-street parking and signage requirements set forth in Section 200-27 and -32.

Section 4. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law or an override of a mayoral vote by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

INTRODUCTION:
PUBLIC HEARING:
ADOPTION:
MAYORAL APPROVAL:
EFFECTIVE DATE:

ORDINANCE 2006-_____

AN ORDINANCE TO AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)

AN ORDINANCE AMENDING PART 1, SITE PLAN REVIEW, ARTICLE II, "TERMINOLOGY," AND PART 4, "ZONING," ARTICLE XXVI, "TITLES, PURPOSES, ESTABLISHMENT OF DISTRICTS; GENERAL CONDITIONS," AND ARTICLE XXIX, "USE AND BULK REGULATIONS FOR RESIDENCE DISTRICTS," OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) BY ESTABLISHING A NEW PMN DISTRICT

BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

Section 1. Part 1 of the Code of the Township of West Windsor (1999), Site Plan Review, Article II, Terminology, Section 200-4, Definitions, Subsection B, is amended by adding the following NEW definitions:

BUILD-TO LINE -- A line appearing graphically on the approved plan or stated as a setback dimension, along which a specified portion of the facade must be placed.

LIVE/WORK UNIT -- A building that provides both residential and work space on a single property, some of whose residents might work there and some of which might accommodate non-resident employees.

HOTEL -- ~~Any building or portion thereof containing six or more rooms that are rented or hired out to transient guests, served by a common entrance.~~ Any building, including but not limited to any related structure, accessory building, and land appurtenant thereto, and any part thereof, which contained 10 or more units of dwelling space or has sleeping facilities for 25 or more persons and is kept, used, maintained, advertised as, or held out to be, a place, where sleeping or dwelling accommodations are available to transient or permanent guests. This definition shall also mean and include any hotel, motor hotel, motel, corporate suite or established guesthouse.

RETAIL CONVENIENCE FOOD STORE – A retail establishment of up to 5,000 square feet selling primarily food products, household items, newspapers and magazines, candy and beverages, and a limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption.

Section 2. Part 4 of said Code, Zoning, Article XXVI, Titles, Purposes, Establishment of Districts; General Conditions, Section 200-142, Establishment of zoning districts, is amended to read as follows:

§ 200-142. Establishment of zoning districts.

The Township of West Windsor is hereby divided into the following zoning districts, differentiated according to use, area and bulk requirements, to be designated as follows:

RR/C	Residence	Rural residential/conservation
R-1/C	Residence	Low-density residential/conservation
R-2	Residence	Low-density residential
R-30	Residence	Low-density residential
R-30A	Residence	Low-density residential
R-30B	Residence	Low-density residential
R-30C	Residence	Low-density residential
R-30D	Residence	Low-density residential
R-24	Residence	Low/medium density residential
R-20	Residence	Low/medium density residential
R-20A	Residence	Low/medium density residential
R-20B	Residence	Low/medium density residential
R-3	Residence	Low/medium density residential
R-3A	Residence	Affordable housing
R-3.5	Residence	Medium-density residential
R-4	Residence	Medium-density residential
R-4A	Residence	Affordable housing
R-4B	Residence	Affordable housing
R-5	Residence	High-density residential
R-5A	Residence	High-density residential
R-5B	Residence	Affordable housing
PRN-1	Residence	Planned residential neighborhood
PRRC	Planned Residential Retirement Community	Retirement community/affordable housing
PRRC-1	Planned Residential Retirement Community	Retirement community/affordable housing
PMN	Residence/business	Planned mixed use neighborhood/affordable
R-1/O	Residence	Residence office
B-1	Business	Limited convenience center
B-2	Business	Neighborhood center business
B-3	Business	Retail node
B-4	Business	Plan retail village center
P	Business	Professional office
P-1	Planned Village Center	Small-scale village center
P-3	Business	Professional office residential
PJ	Princeton Junction Overlay	Business, professional office
ROM-1	Industrial	Research, office, limited manufacturing
ROM-2	Industrial	Research, office, limited manufacturing
ROM-3	Industrial	Research, office, limited manufacturing

ROM-4	Industrial	Research, office, limited manufacturing
ROM-5	Industrial	Research, office, limited manufacturing
R&D	Industrial	Research and development
ROR	Industrial	Research, office, recreation
RO	Industrial	Research, office
RO-1	Industrial	Research, office
E	Educational	
EH	Residence	Elderly housing

Section 3. Part 4 of said Code (1999), Zoning, Article XXVI, Titles, Purposes, Establishment of Districts: General Conditions, Section 200-143, Zoning Map, is amended to read as follows.

The boundaries of said zoning districts are hereby established as shown on the Zoning Map, Township of West Windsor, dated _____, 2006, and revised through _____, 2006 which, with all explanatory matter thereon, is hereby adopted and made a part of this Part 4. An official copy of said Map, indicating the latest amendments, shall be kept up-to-date in the office of the Construction Official for the use and benefit of the public and shall have the most current revision date shown thereon. The Zoning Map shall be the official reference as to the current zoning classification of land within the boundaries of the Township of West Windsor.

Section 4. Part 4 of said Code, Zoning, Article XXIX, Use and Bulk Regulations for Residence Districts, is amended by adding NEW Section 200-194.2 as follows:

200-194.2 Planned Mixed Use Neighborhood

A. Purpose. The Planned Mixed Use Neighborhood (PMN) District is intended to provide for a village style center convenient to the evolving residential neighborhood along Bear Brook Road and proximate to the train station and surrounding commercial employment centers. It is intended to be pedestrian friendly by permitting a compact mix of modest sized stores, personal and professional services, corporate suites, market rate residential dwelling units, and plazas. The PMN District is also intended to provide a compatible setting for affordable housing close to mass transit services and employment opportunities.

B. Planned Comprehensive Development, Development Application Requirements and Required Uses. Any development application in the PMN District shall be submitted as a planned development, in the nature of a preliminary site plan application, for the entire district. Such application shall describe any phasing of the proposal, together with any on-site and offtract improvements needed to support such phases. The application for preliminary site plan approval may also include a request for final approvals with respect to such phase or phases. The following shall apply:

(1) A Planned Mixed Use Neighborhood development shall be subject to the requirements of this district and to the mandatory findings for a planned development as required by the Municipal Land Use Law, *N.J.S.A. 40:55D-45*.

(2) Ten acres may be dedicated for the use of a municipally sponsored affordable housing development in accordance with Section 200-194.2J(2).

(3) A minimum of 20,000 square feet of nonresidential floor area shall be devoted to neighborhood retail commercial goods and services. A convenience food store shall be part of the neighborhood retail commercial floor area.

(4) A minimum of 70 residential units, market and affordable, other than the units of a municipally sponsored affordable housing development, of which a minimum shall be 15 apartments above retail stores, shall be provided.

C. Principal Permitted Uses. In the PMN District, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses:

(1) Neighborhood retail uses providing for the sale of goods and services, not exceeding 40,000 square feet of floor area, including but not limited to convenience food stores, pharmacies, restaurants (excluding curb service establishments and drive-through facilities), cafes, luncheonettes, and delicatessens, indoor recreation facilities, including instructional studios and fitness centers, repair and servicing, indoors only, of any article for sale which is permitted in this district, attended laundry and retail dry-cleaning services (not including bulk processing and, in the case of dry-cleaning establishments, not providing for the storage of more than five gallons of flammable or toxic cleaning fluid on the premises), book, newspaper, periodical and stationary stores and copy centers, parcel package shipping store or mailing center, museums, art galleries and other cultural facilities of a similar nature, and personal services establishments (e.g. barber or beauty salon).

(2) Corporate suites, which are defined as "hotels" in section 200-4 and contain 10 or more units of dwelling space or has sleeping facilities for 25 or more persons and is kept, used, maintained, advertised as, or held out to be, a place, where sleeping or dwelling accommodations are available to transient or long term guests in one or more buildings. The minimum size of such suites shall be not less than 350 square feet of climate controlled space and shall include facilities for living, sleeping, eating, cooking and sanitation. No such suite shall have more than two bedrooms. The facility may include accessory structures and garages, mail facilities, pool, and a business center, which may contain a computer center, video conferencing facilities, telecommunications facilities, copy/production facilities, theater with permanent seating for not more than 35 people, multimedia presentation facilities, meeting rooms and conference facilities, fitness center, not more than 1,000 square feet of retail space, and other business support areas, all of which facilities are intended for the exclusive use of occupants and their guests.

(3) General and administrative offices as well as professional offices (e.g., physicians, lawyers and architects); small commercial offices (e.g., realtors and travel agencies); small governmental offices (e.g., post office branch and Social Security); and offices incidental to uses permitted in this section.

(4) Townhouses, single family attached or duplex, apartments over retail, and live-work dwelling units not exceeding 100 total units. The number of market-priced town houses shall be limited to 51 dwelling units. The market residential units shall be subject to a 20 percent low- and moderate-income housing set aside in accordance with Section 200-194.2J.

(5) Affordable housing meeting all standards of the Council on Affordable Housing and in accordance with Section 200-194.2J(1).

D. Permitted Accessory Uses.

(1) Recreational and/or open space facilities, including, but not limited to, walkways, courtyards and plazas.

(2) Off-street parking and loading located to the rear of the principal use it serves.

(3) Signs.

(4) Street furniture, planters and trash receptacles.

(5) Sidewalk cafes associated with permitted restaurants.

(6) Fences and walls, which shall complement the architectural style, type and design of the building and the overall project design. All fences and walls shall be constructed when the development is constructed.

(7) Decks, patios and terraces, which shall complement the architectural style, type and design of the building and the overall project design. All decks, patios and terraces shall be constructed when the development is constructed.

E. Minimum Tract Size. The minimum tract area shall be the Planned Mix Use Neighborhood District.

F. Building Orientation and Setbacks From Existing Public Roads. All buildings other than townhouses and corporate suites shall be oriented toward Bear Brook Road, shall be set back a minimum of thirty-five feet from the right-of-way and shall have their front facade and main entry facing the public road. Only townhouse and duplex units are permitted on Old Bear Brook Road. All residential buildings adjacent to Old Bear Brook Road shall be setback twenty-five feet from the right-of-way, and within such setback a landscape buffer shall be provided.

G. Maximum Impervious Coverage for District. The maximum permitted impervious coverage for the Planned Mixed Use Neighborhood District shall be 60% for the district.

H. Greenbelt Preservation. No development other than storm water retention facilities shall be permitted in the Greenbelt as depicted in the Conservation Plan Element of the Master Plan. The facilities shall be designed so as to minimize their impact on the Greenbelt.

I. Maximum Building Height Along Bear Brook Road, Old Bear Brook Road and the Main Retail Access Drive. The maximum building height on Bear Brook Road and the main retail access drive shall be three stories or forty feet, whichever is less, except as provided for in Section 200-194.2L(2)(b).

J. Affordable Housing.

(1) Twenty percent of the residential component shall be low- and moderate-income housing meeting all COAH requirements. It shall be located on site in apartments.

(2) The developer at its option may make payments in lieu of providing affordable units pursuant to *N.J.A.C. 5:97-6.4(e)* at \$152,227.00 per unit, or as such amount is modified by COAH from time to time, equivalent to the fair market value of ten developable acres for a municipally sponsored affordable housing development in a location within the district acceptable to the township, such location to be shown on such plan as will as be approved by the Planning Board, and as reduced by the amount that will be generated by application of the 2.5% nonresidential fee required by the Statewide Non-residential Development Fee Act. Such fair market value shall be based on the number of market rate garden apartments that can be accommodated on such 10 acres at the permitted density of 7.5 units per acre. If it chooses such option, the developer shall enter into a developer's agreement with the Township as to the payment and such other matters as the developer and Township deem appropriate. The developer's agreement shall include terms requiring that the developer convey such ten acre parcel, providing that the 2.5% fee and in lieu payments in a number to be identified will be a credit against and constitute payment in full of the purchase price, and providing that the developer shall have no further affordable housing obligation other than the provision of the additional affordable units necessary to satisfy the set aside obligation. Upon receipt by the developer of unappealable preliminary subdivision and site plan approval for the overall mixed use project, including subdividing off a separate lot for the 10 acre parcel, or at an earlier date if agreeable to the Township and the developer, the developer shall deliver a deed and normal affidavit of title to the said ten acre parcel to the Township, and the Township shall deliver a document to the developer acknowledging that the developer's obligations with respect to the nonresidential fee and said in lieu payments have been discharged in full.

K. Public Activity Area. The Planned Mixed Use Neighborhood development shall contain a centrally located public space associated with the retail space with a minimum area of 5,000 square feet which shall be designed as a public activity focus for the development. Design

elements, which may include patterns in the pavement, a fountain, gazebo, sculpture, bollards, sitting areas and landscaping, shall be incorporated into this public space.

L. Area, Bulk and Other Regulations for Fee Simple Lots.

(1) Residential

(a) Townhouse Dwellings

[1] Lot area: minimum of 1,800 square feet per dwelling unit, maximum of 4,500 square feet per dwelling unit

[2] Lot width: at front yard setback line, minimum of 20 feet per dwelling unit, maximum of 30 feet per dwelling unit

[3] Minimum lot depth: 75 feet

[4] Yard dimensions:

[a] Build-to line: 25 feet on Old Bear Brook Road and Bear Brook Road, 15 feet on internal streets

[b] Front yard: minimum of fifteen feet, maximum of 20 feet

[c] Side Yard (each end of row): minimum of eight feet, maximum of fifteen feet

[d] Rear Yard: minimum of 25 feet, except that there need not be a setback for the garage.

[5] First finished floor level must be a minimum of two feet above sidewalk grade

[6] Maximum building height: 35 feet, or 2 1/2 stories, whichever is less.

[7] Maximum impervious surface: 70 percent

[8] Maximum building size: six dwelling units in a row, except that ten dwelling units in a row shall be permitted on local streets

[9] Rear yard garage and alley required

(b) Duplex Dwellings

[1] Lot Area: minimum of 3,000 square feet per dwelling unit, maximum of 5,000 square feet per dwelling unit

[2] Lot width

At front yard setback line: minimum of 30 feet per dwelling unit,
maximum of 50 feet per dwelling unit

[3] Minimum lot depth: 75 feet

[4] Yard dimensions

[a] Build-to line: fifteen feet on internal streets, twenty five feet on Bear Brook and Old Bear Brook Roads.

[b] Front yard: minimum of ten feet, maximum of 20 feet

[c] Side yard (one side): minimum of eight feet, maximum of 12 feet

[d] Rear yard: minimum of twenty-five feet

[5] First finished floor level must be a minimum of two feet above

[6] Maximum building height: 35 feet, or 2 1/2 stories, whichever is less.

[7] Maximum impervious coverage: 70 percent

[8] Rear yard parking and alley required

(c) Live/Work Units

[1] Lot area: minimum of 3,000 square feet per dwelling unit with attached office and retail, maximum of 6,000 square feet per dwelling with attached office and retail

[2] Lot width

At front yard setback line: minimum of 40 feet per dwelling unit,
maximum of 65 feet per dwelling unit

[3] Minimum lot depth: 100 feet

[4] Yard dimensions

[a] Build-to line: 15 feet on internal streets, twenty five feet on Bear Brook and Old Bear Brook Roads.

[b] Front yard: minimum of 10 feet, maximum of 25 feet

[c] Side yard (one side): minimum of six feet, maximum of 20

[d] Rear yard: minimum of 25 feet

[5] Maximum building height: 35 feet or 2 1/2 stories, whichever is less

[6] Maximum impervious coverage: 70 percent

[7] Rear yard or side yard parking required, alley access optional

(d) Municipally Sponsored Affordable Housing

[1] Lot area: 10 acres

[2] Yard dimensions:

[a] Build-to line: fifteen feet on internal streets, twenty five feet on Bear Brook and Old Bear Brook Roads.

[b] Front yard: minimum of ten feet, maximum of twenty feet

[c] Side yard: minimum of fifteen feet

[d] Rear yard: minimum of twenty-five feet

[e] Building spacing: a minimum of thirty feet of distance

[3] Maximum building height: 35 feet, or 2 1/2 stories, whichever is less

[4] Maximum impervious coverage: 70 percent

[5] Maximum building size: eight attached dwelling units or 225 feet of building length

[6] Maximum density: 7.5 units per acre

(2) Non-Residential

(a) Corporate Suites

[1] Lot area: minimum of 5 acres

[2] Lot width: minimum of 250 feet

[3] Minimum lot depth: 750 feet

[4] Yard dimensions

[a] Front yard: minimum of 15 feet on internal streets, thirty five feet on Bear Brook and Old Bear Brook Roads

[b] Side yard: minimum of 10 feet

[c] Rear yard: minimum of 20 feet on internal streets

[5] Maximum building height: 40 feet, or 3 stories, whichever is less on Bear Brook Road and the main retail access drive; 50 feet, or 4 stories, whichever is less, on other streets. No four story building shall be permitted within 250 feet of Old Bear Brook Road.

[6] Maximum impervious coverage: 70 percent

[7] Parking shall be behind building or screened from public view in side or front yards, except on-street parking associated with village center.

(b) Commercial Uses and Mixed-Use Buildings

[1] Yard dimensions

[a] Build-to line: 15 feet from curb on internal streets, thirty five feet from Bear Brook Road

[b] Side yard (each side): minimum of zero feet, if attached to an adjacent building, or a minimum of five feet if not attached to an adjacent building; maximum of 20 feet

[2] The majority of the building must be at the build-to line, but at least 15 percent of the facade shall be set back a minimum of ten feet therefrom to create one or more alcoves enclosed on three sides. Outdoor dining and arcades are permitted within such alcove areas.

[3] There shall be an overhang or arcade along all front facades.

[4] Building overhangs, including canopies and balconies, can project up to five feet over the build-to line.

[5] Retail uses are required on the first floor. Office or apartments are permitted only on the second, third, or fourth floors.

- [6] Maximum store size: no more than 25 percent of the total retail floor space.
- [7] At least 75 percent of the buildings shall be three stories.
- [8] The maximum building height shall be three stories or 40 feet, whichever is less, except that up to 15 percent of the facade may be at a height of four stories or 50 feet, whichever is less, provided that such additional height accommodates either space for mechanicals or for lofts for third floors of apartments.
- [9] All affordable units above the retail shall be rental, and the market units may be for sale or rental.
- [10] All off-street parking must be in rear yards with the exception of on-street parking on internal roads. Alleys are recommended.
- (3) All buildings in the Planned Mixed Use Neighborhood District shall be set back a minimum of 50 feet from any existing abutting off-tract residential structure not separated by a public road. Existing wooded area shall be preserved to the extent feasible.

M. Required Off-Street and On-Street Parking.

- (1) All streets in the Planned Mixed Use Neighborhood development shall be designed to accommodate two travel lanes and parking on both sides of the street.
- (2) In lieu of the standards set forth in Section 200-27B, the following off-street parking standards shall apply:
 - (a) Off-street parking for corporate suites shall be 1.4 spaces per suite.
 - (b) Off-street parking for all retail or office uses shall be a minimum of one space per each 500 square feet of gross floor area.
- (3) Except for the municipally sponsored affordable housing development and the hotel and corporate residential suites, off street parking lots shall be prohibited in any front yard setback area, shall be located at the rear of buildings on the interior of lots and shall be accessed by mean of common driveways, preferably from side streets or lanes. Cross-access easements for adjacent lots with interconnected parking lots shall be required. Shared parking facilities are encouraged where possible. Where off street parking areas are visible from existing public or internal streets of the development, they shall be screened by landscaping or a low masonry wall.

N. Pedestrian and Bicycle Accessibility

- (1) A comprehensive bicycle and pedestrian-friendly circulation system shall be provided between all uses, along roads, and through the open space.
- (2) The developer shall provide paved pedestrian linkages, including cross-walks, to all off-tract adjacent residential developments on the project side of Bear Brook and Old Bear Brook Road as well as a sidewalk linkage or path to Alexander Road.
- (3) Pedestrian crossings in streets and alleys shall include special ground texture treatment such as brick, stone, cobblestones and other suitable material. The treatment of the crosswalk at the intersection of Bear Brook and Old Bear Brook Roads should be designed with materials which indicate the different traffic characteristics of these two streets.

O. Signs. A comprehensive sign plan shall be prepared for all use types proposed within the Planned Mixed Use Neighborhood development. The signs shall be compatible in design and integral to the architectural design. A mix of wall and hanging signs are required.

P. Architectural Design Standards and Guidelines

- (1) Buildings shall generally relate in scale and design features to the surrounding buildings in the development and off-tract. Buildings shall reflect a continuity of treatment obtained by maintaining the building scale or by subtly graduating changes; by maintaining base courses; by continuous use of front porches on residential buildings; by maintaining cornice lines in buildings of the same height; by extending horizontal lines of fenestration; and by reflecting architectural styles and details, design themes, building materials, and colors used in surrounding buildings.
- (2) Corner buildings shall be designed to appear as landmark buildings, since they have at least two front facades visibly exposed to the street. One possible treatment to achieve this goal would have buildings designed with additional height or architectural embellishments, such as corner towers, to emphasize their location.
- (3) Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as balconies, canopies, and signs, recesses, and changes in floor level shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, roof-line offsets, dormers, or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
- (4) The architectural treatment of the front facade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building shall be architecturally design to be consistent with regard to style, materials, colors, and details. Blank wall or service area treatment of side and/or rear elevations visible from the public viewshed is discouraged.

(5) All visibly exposed sides of a building shall be articulated with a base course and cornice. For example, the base course may align with either the kickplate or sill level of the first story. The cornice may terminate or cap the top of a building wall, may project horizontally from the vertical building wall plane, and may be ornamented with moldings, brackets, and other details. The middle section of a building may be horizontally divided at the floor, lintel or sill levels with belt or string courses.

(6) Gable roofs with a minimum pitch of 9/12 shall be used to the greatest extent possible. Where hipped roofs are used, it is recommended that the minimum pitch be 6/12. Both gable and hipped roofs shall provide overhanging eaves on all sides that extend a minimum of one foot beyond the building wall. Flat roofs are permitted only as part of green building design, provided that all visibly exposed walls have an articulated cornice that projects horizontally from the vertical building wall plane. Other roofs types shall be appropriate to the building's architecture. Mansard roofs are generally discouraged, particularly on buildings less than three stories in height. Architectural embellishments that add visual interest to roofs, such as dormers, belvederes, masonry chimneys, cupolas, clock towers, and other similar elements, are encouraged.

(7) Fenestration shall be architecturally compatible with the style, materials, colors, and details of the building. Windows shall be vertically proportioned wherever possible. To the extent possible, upper story windows shall be vertically aligned with the location of windows and doors on the ground level.

(8) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, balustrades, and others, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors, and details of the building as a whole, as shall the doors.

(9) In mixed-use buildings, the difference between ground floor commercial uses and entrances for upper level commercial or apartment uses shall be reflected by differences in facade treatment or a canopy. Storefronts and other ground floor entrances shall be accentuated through architectural elements. Further differentiation can be achieved through distinct but compatible exterior materials, signs, awnings, and exterior lighting.

(10) Ground floor retail, services, and restaurant uses shall have large pane display windows. Such windows shall be framed by the surrounding wall and shall not exceed 75 percent of the total ground level facade area.

(11) Natural materials such as wood and masonry are recommended. High-quality artificial siding and metal roofs materials are permitted. Other roof materials must mimic slate or tile. Standard asphalt shingles are prohibited. Stucco or similar treatment may be used as an accent.

(12) Heating, ventilating and air-conditioning (HVAC) systems, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.

(13) Street furniture such as benches, street lamps, bicycle racks, trash receptacles, tree grates, bus stops, landscape planters and hanging baskets shall be provided.

(14) All ground level residential units are encouraged to have clearly defined front yards using landscaping, hedging, fencing or a brick or stone wall, none of which shall exceed three feet in height.

Section 5. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law or an override of a mayoral vote by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

INTRODUCTION:

PUBLIC HEARING:

ADOPTION:

MAYORAL APPROVAL:

EFFECTIVE DATE:

New PMN District.DOC
11/20/08